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# George Mason: Slave Owning Virginia Planter as Slavery Opponent?

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GEORGE MASON:  
SLAVE OWNING VIRGINIA PLANTER  
AS  
SLAVERY OPPONENT?

A Thesis  
Presented to  
the Faculty of the Department of History  
Western Kentucky University  
Bowling Green, Kentucky

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

by  
Louis D. Bellamy

December 2004



GEORGE MASON:  
SLAVE-OWNING VIRGINIA PLANTER  
AS  
SLAVERY OPPONENT?

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GEORGE MASON:  
SLAVE OWNING VIRGINIA PLANTER  
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Louis D. Bellamy

December 2004

173 pages

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The present work investigates the often cited, but poorly supported, notion that Founding Father George Mason was a wealthy, slave-owning Virginian who vehemently opposed slavery. Utilizing Mason's state papers, letters, and other documents, as well as contemporaries' accounts of his speeches, this work will analyze those records' contextual construction, and it will deconstruct both Mason's written and spoken words and his actions and inactions relative to slavery. The goal of this effort is to determine whether Mason, who ostensibly played such an instrumental role in the development of the "rights" of Americans, and who remained a slaveholder—thereby trampling the rights of others—was truly opposed to slavery.

Included in this work are chapters relating to the development of chattel slavery in the Tidewater, Virginia region from its inception and to the Mason family's mounting economic and political prominence, particularly the role of slaves in their attainment of that prominence. Two chapters analyze Mason's state papers, his writings on public matters, his public speeches, and other related material with a view towards determining their nexus with slavery and his role in their development. The final chapter focuses narrowly on Mason's personal relationship with slavery, and it includes both Mason's

documents and his personal actions, with his documented actions concerning his own slaves meriting special attention. A portion of the chapter compares and contrasts Mason, Washington, and Jefferson on the matter of slave manumission.

The argument is made that despite his consequential role in the development of some of America's revered founding documents, relative to his more prominent Virginia political peers, George Mason has garnered on rudimentary evaluation from the collective pens of more than two centuries of historians. Not only has Mason largely missed the genuine accolades befitting a Founding Father, some historians have simply ignored the contradictions of Mason's slave owning and his presumed abhorrence of slavery. Others have offered little more than a passing mention of Mason's slavery-related conundrum. Some have noted his slave-holding status, but then mistakenly considered anti-slavery and anti-slave trade as fungible positions and then proceeded to extol Mason's abhorrence of, and fight against, chattel slavery. Still others have claimed the institution was simply an unwelcome legacy entailed upon him. Mason, as an historical subject, stands under-reported, under-analyzed, often embellished, and generally carelessly considered.

In spite of the effusive hyperbole of some Mason historians, this thesis argues Mason's apparently strong condemnations of the slave trade and of slavery were themselves strongly nuanced, and his actions (and, perhaps more importantly, his inactions) toward his own slaves run counter to the conclusive judgment of Mason as a slavery opponent. Nevertheless, Mason's statements and political actions—however tepid, and however nuanced—represent important work against the pernicious problem of slavery by a thoughtful, respected, and politically well-positioned Founding Father. This

work will demonstrate Mason was likely neither the prescient anti-slavery advocate, as he is generally regarded among historians, nor fully a self-serving demagogue. Indeed, the definitive judgment of George Mason as a slave owning, Virginia planter, and Founding Father who served as a slavery opponent remains elusive.



George Mason IV  
(1725-1792)

*Image: Courtesy of Gunston Hall Plantation*

<<http://www.gunstonhall.org/georgemason/>>

## **Prologue**

### **“George Mason: A Poorly Considered Subject, Worth Considering”**

Even though his name is affixed to none of the United States of America’s three most universally revered founding documents—the Declaration of Independence, the Constitution, or the Bill of Rights—George Mason served a determinative role in the development of them all. Yet, Mason remains relatively unknown to most Americans. A majority of the readily available biographical data concerning Mason relates he was a wealthy Virginia planter, a large-scale slave owner, and a parochial politician who rose to his nation’s call during the Revolutionary era. He authored the Virginia Bill of Rights, from which Thomas Jefferson apparently borrowed in drafting the Declaration of Independence, and he was at least obliquely responsible for gaining the appendage of the Bill of Rights to the United States Constitution. Still, this man of such accomplishment, great breadth, and wisdom is virtually unknown and severely under-analyzed in the historiography of this nation’s formative period.

Perhaps more problematic for modern students, however, is that most sources will contend Mason staunchly opposed slavery. What an enticing subject—a wealthy, slave-owning Virginian who strongly opposed slavery! Mason’s reputation as an antislavery advocate is based loosely on select passages from certain of Mason’s state papers, his correspondence, contemporaries’ accounts of his speeches, and other pertinent documents. This thesis will analyze those records by considering their contextual construction and by deconstructing Mason’s written and spoken words, all in an attempt

to explain why George Mason, one who ostensibly played such an instrumental role in the development of the “rights” of Americans, remained a slaveholder and, consequently, thereby usurped the rights of others. Toward that end, this project will demonstrate Mason’s position on slavery defies a simple dichotomous categorization.

The first chapter of the present work, “The Rise of Slavery in Virginia: Inception to 1792,” will consider the development of chattel slavery in the Tidewater, Virginia, region from its inception. It will demonstrate how slavery in that area was unlike slavery in other parts of North America. Since this work is attempting to replicate and understand the motivations of an eighteenth-century slave-owning planter, the initial chapter will address the pro-slavery advocates’ justifications for slavery, their opponents’ counter-arguments, and the political standing of each of these factions.

The second chapter, “The Rise of the George Mason Family in Virginia: Inception to 1792,” will trace the Mason family’s escalating political prominence (from George Mason I, the Immigrant, through George Mason IV, alternatively George Mason of Gunston Hall—the subject of this study) in Virginia, but it will also focus principally upon the family’s mounting economic and political prominence, particularly the role of slaves in their attainment of that prominence. Mason’s father’s and—perhaps more importantly—his mother’s augmentation of his wealth, merits special attention.

The third and fourth chapters will analyze Mason’s state papers, his writings on public matters, his public speeches, and other related material with a view towards determining their nexus with slavery. The first of these chapters, “George Mason: His Public Record and Slavery—The Revolutionary and Confederation Periods,” will address Mason’s public relationship with slavery during the Revolutionary and



Confederation periods, up to May 1787. The fourth chapter, “George Mason: His Public Record and Slavery—The Constitutional Period,” will relate Mason’s slavery-related public actions from the outset of the Constitutional Convention through his death in October 1792. These chapters will relate especially to Mason’s possible motivations for both his actions and his inactions as regards the “peculiar institution.”

The fifth chapter, “George Mason: His Private Record and Slavery,” will focus narrowly on Mason’s personal relationship with slavery. This analysis will include both Mason’s documents and personal actions, with his documented actions concerning his own slaves meriting special attention. A portion of this chapter will also juxtapose the actions of Mason, Washington, and Jefferson relative to slave manumission. As in the third and fourth chapters, chapter five pays particular attention to Mason’s possible motivations.

The epilogue, “Elusive Conclusion,” will restate the thesis’ major findings, both incriminating and exculpatory, and will argue Mason remains an enigma on the issue of slavery. In a twist on Theodore Roosevelt’s words, Mason spoke loudly, but carried far too small a stick, in seeking to curtail slavery. The master of Gunston Hall certainly deserves credit for speaking out so vociferously and fairly consistently against the slave trade (and to a lesser extent against slavery) when others simply avoided confronting the issue. Nevertheless, Mason fell far short of the mark in his personal interaction with his own chattel slaves. Whether viewed through a late eighteenth-century or an early twenty-first-century lens, Mason deserves neither rousing accolades nor vituperative condemnation for his public or private actions regarding chattel slavery.

As will later be argued, writers in far too many cases have selected from the Mason record the eighteenth-century equivalent of the twentieth-century sound bite and attributed Mason with a position on slavery well beyond what Mason's contextualized words support. For this reason, and in an attempt to allow Mason to speak for himself, the present work will focus narrowly on his actual words. In an attempt to more fully do so, certain particularly pertinent Mason items are included in the appendices of this writing. Those appendices include some of Mason's more important papers, both personal and public, particularly germane to the issue of slavery. Among these are Mason's first draft of the Virginia Declaration of Rights, his Objections to the Federal Constitution, one of his advertisements to recover two runaway slaves, his marriage agreement with his second wife, and his last will and testament. Also included in the appendices are selections from a first-person family-member account of life at Mason's plantation, written by his son.

Mason's comparative obscurity as a Founding Father is due to several possible factors: a lack of knowledge of his formative years; his failure to attain high political office; his age; his politics; and his personal preferences<sup>1</sup> and inclinations. Professor Diane Pikunas attributes historians' scant interest in Mason to the paucity of knowledge of Mason's formative years, relative to the other Founding Fathers.<sup>2</sup> He did not serve in

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<sup>1</sup> Diane Pikunas, "George Mason and The Preparation for Leadership," in George Mason and the Legacy of Constitutional Liberty: An Examination of the Influence of George Mason on the American Bill of Rights, ed. Donald J. Senese (Fairfax, VA: Fairfax County History Commission, 1989), 15-31; R. Walton Moore, "George Mason, The Statesman," The William and Mary Quarterly (2<sup>nd</sup> Series) XIII (1933): 11; and Donald J. Senese, "George Mason—Why the Forgotten Founding Father," in George Mason and the Legacy of Constitutional Liberty: An Examination of the Influence of George Mason on the American Bill of Rights, ed. Donald J. Senese (Fairfax, VA: Fairfax County History Commission, 1989), 147-152.

<sup>2</sup> Diane D. Pikunas, "George Mason: The Preparation for Leadership," 15.

the military during the American Revolution—an action certainly beneficial to the legacy of certain other Founding Fathers. R. Walton Moore suggests historians have accorded Mason less attention because he never occupied a high political office:<sup>3</sup> Mason practiced his politics largely at the local level. Further, at age sixty-one, in the summer of 1787, Mason stood at the twilight of his career, while, at that date, the more renowned political achievements of some of the other prominent Founding Fathers—George Washington, Thomas Jefferson, and James Madison, among them—remained in the future. Not unimportantly, Mason's politics, including his sometimes-invective manner, often positioned him on the losing, as well as the unpopular, side of several issues during the Constitutional Convention. Perhaps more importantly, however, Mason fought against the Constitution that was approved on September 17, 1787. He fought its completion in Philadelphia during the waning days of the Convention, he fought it during the interregnum prior to the Virginia ratifying convention, and he fought its ratification the next summer in Williamsburg. In all cases he lost.<sup>4</sup> As Professor Donald J. Senese aptly noted, "history is not kind to the losing side of great political arguments."<sup>5</sup>

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<sup>3</sup> Moore, "George Mason, The Statesman," 11.

<sup>4</sup> Senese, "George Mason—Why the Forgotten Founding Father," 148 and 149.

Further anecdotal indications of the disparity of notoriety among Virginia's principal Founding Fathers can be gained via a search of The Library of Congress' Internet homepage. A general search of that website produced the following document count: Thomas Jefferson, 2,220; James Madison, 1,749; George Washington, 1,527; and George Mason, 175. See The Library of Congress, "Search the Library of Congress Web Pages," n.d., <<http://www.loc.gov/>> (16 February 2004).

A similar search of the U. S. National Archives and Records Administration Internet homepage, yielded similar disparate results: Thomas Jefferson, 294; George Washington, 327; James Madison, 160; and George Mason, 30. See U. S. National Archives & Records Administration. "Basic Search." n.d., <<http://www.archives.gov/search/index.html>> (16 February 2004).

<sup>5</sup> Senese, "George Mason—Why the Forgotten Founding Father," 150.

Although instrumental in the nation's political formation, Mason's preferences have not fostered on him wide-ranging historiographical treatment. He was a thinker, not a "doer." Mason was also reticent to serve beyond the local level, he seldom ventured far from the locus of his northern Virginia roots. Perhaps more importantly, however, Mason failed to leave an edifying written record. Regrettably, many of Mason's personal papers were destroyed in a fire at the home of one of his sons.<sup>6</sup> His now extant writings are infinitely less prolific than those of his more famous Virginia contemporaries. Mason left no autobiography, kept no journal, published no articles and few essays, and no records were kept of his speeches in the Colonial Assembly of Virginia or during the Constitutional Convention—only notes summarizing those speeches were maintained.<sup>7</sup> Indeed, most of the more notable Founding Fathers had one, several, or all of these various media for passing their historical legacy to future generations.

America's modern politicians certainly took their time in recognizing Mason as an important figure in America's political development; it took over two centuries for George Mason to gain a national monument. In early April 2002, almost 210 years after his death, the "George Mason National Memorial" was dedicated on the National Mall, near the Thomas Jefferson memorial, in Washington, DC.<sup>8</sup>

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<sup>6</sup> Kate Mason Rowland, *The Life of George Mason, 1725-1792*, 2 vols. (New York and London: G.P. Putnam's Sons, 1892), I: 251.

<sup>7</sup> Senese, "George Mason—Why the Forgotten Founding Father," 150 and 151.

Of the Mason-related records actually assembled, many important ones fell victim to fire. See Senese, "George Mason—Why the Forgotten Founding Father," 150 and 151.

<sup>8</sup> John J. Miller, "Amazing Mason: A Memorial to a Forgotten Founder," n.d., <<http://www.nationalreview.com/miller/miller040902.asp>> (23 December 2003).



It is ironic that a Founding Father so scantily and belatedly considered in American history stood so highly regarded by his far more famous fellow Virginia political peers. Although he apparently left no written sketch of Mason, George Washington is known to have been quite close, both politically and personally, to his next-door neighbor—at least until September 1787. Writing in his Autobiography, in 1821, Thomas Jefferson concluded that Mason was:

a man of the first order of wisdom among those who acted on the theatre of the revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles.<sup>9</sup>

In a similar vein, writing to Mason's grandson, George Mason VI, in 1827, James Madison offered that "... none who differed from him on some points will deny that he sustained ... the high character of a powerful Reasoner, a profound Statesman and a devoted Republican."<sup>10</sup> That Mason's perspective mattered to these prominent Virginia politicians is demonstrated by the always inquisitive Jefferson visiting Gunston Hall in 1792, less than a fortnight prior to Mason's death, to garner Mason's version of the course of the deliberations and maneuvering during the Constitutional Convention.<sup>11</sup>

Considering his consequential role in the development of some of America's most revered founding documents, the collective pens of more than two centuries of

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<sup>9</sup> Thomas Jefferson, "Autobiography," n.d., <<http://www.yale.edu/lawweb/avalon/jeffauto.htm>> (27 August 2004).

<sup>10</sup> Helen Hill Miller, George Mason: Gentleman Revolutionary (Chapel Hill: University of North Carolina Press, 1975), 333.

<sup>11</sup> Julian P. Boyd, et al., eds., The Papers of Thomas Jefferson (Princeton: Princeton University Press, 1950-2003), 24: 429.

As will be shown later in the present work, James Madison wrote several letters to Jefferson describing Mason's actions during and just following the Convention. This personal visit to Gunston Hall can be reasonably construed to show Jefferson wanted a first person account of Mason's perspective.

historians have relegated George Mason to only elementary evaluation. Not only has Mason largely missed the genuine accolades befitting a Founding Father, some historians have simply ignored the contradictions of Mason's slave owning and his presumed abhorrence of slavery as well. Others have offered little more than a passing mention of Mason's slavery-related conundrum, while some have noted his slave-holding status, but then mistakenly considered antislavery and antislave trade as fungible positions and then proceeded to extol Mason's abhorrence of, and fight against, chattel slavery. Still others have claimed the institution was simply an unwelcome legacy entailed upon him. Mason, as an historical subject, stands under-reported, under-analyzed, often embellished, and (generally) carelessly considered.

Writing in 1870, just prior to the advent of professional American historians,<sup>12</sup> General Richard Taylor, after specifically considering George Washington in his analysis, concluded: "Among the wise and good who in the past century secured the independence of our country and founded its government, George Mason, of Virginia, holds a place second to none." In opining that, "It may be said that Mason was the only leading man of the time to foresee the difficulties and dangers of the slave question,"<sup>13</sup> Taylor unknowingly set what has become a standard for historians concerning this Founding Father: extol Mason's supposed opposition to slavery while offering little, if any, substantive support for such contention.

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<sup>12</sup> According to John Higham, the distinction between amateur and professional historians was not clearly discernable until approximately the beginning of the twentieth century. See John Higham, Leonard Krieger and Felix Gilbert, *History* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1965), 8.

<sup>13</sup> Richard Taylor, "A Statesman of the Colonial Era," *The North American Review* 128, no. 267 (1879): 149 and 151.

Though regarded by many today as little more than a nineteenth-century mythmaker, George Bancroft described Mason at the drafting of the Virginia Bill of Rights,

He was a good speaker and an able debater, the more eloquent now for being touched with sorrow; but his great strength lay in his sincerity, which made him wise and bold, modest and unchanging, while it overawed his hearers. He was severe, but his severity was humane, with no tinge of bitterness, though he had a scorn for everything mean, cowardly, or low; and he always spoke out his convictions with fresh directness.<sup>14</sup>

Kate Mason Rowland, born in 1840 to Isaac S. Rowland and Catherine Armistead Mason, and one of twin great-great granddaughters of George Mason's younger brother, Thomson Mason, wrote a two-volume Mason biography published in 1892, the centennial year of George Mason's death, that remains arguably the most comprehensive biography of George Mason. Writing around the time Bancroft was finishing his epic histories of the United States and of the Constitution, and when America enjoyed the services of only a handful of professional historians, Rowland, who in later life dropped her father's surname,<sup>15</sup> offered an assessment far more on target than many historians of the succeeding century. With the American Civil War having been concluded only some twenty-seven years, Rowland wrote,

George Mason's attitude [on slavery] must not be misunderstood. He was no *abolitionist* (Rowland's italics) in the modern sense of the term. While he regretted the existence of slavery in the South and opposed the slave trade, at the same time he insisted the rights of his section in this species of property should be protected, and he wished for a guarantee in the Constitution to insure it.<sup>16</sup>

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<sup>14</sup> George Bancroft, *History of the United States of America: From the Discovery of the Continent*, The Author's Last Revision, 6 vols. (New York: D. Appleton and Company, 1896), IV: 416.

<sup>15</sup> "Gunston Hall Plantation, "Mason Family Genealogy: Descendants of George Mason," n.d., <<http://gunstonhall.org/masonweb/i0001158.htm#i1752>> (8 January 2004).

<sup>16</sup> Rowland, *George Mason*, II: 161.



Unfortunately, while it is clear Miss Rowland understood her subject quite well, she failed to record the bases for her conclusion as to Mason's stand on slavery that would serve future historians seeking a better understanding of the master of Gunston Hall.

Slavery *abolition*, more activist in nature than *antislavery*, usually connotes that all slavery, both root and branch, must be abolished. Antislavery is generally considered more moderate in its application, and in its most tepid usage, it might involve little more than an academic predisposition against slavery.<sup>17</sup> For purposes of the present work, however, antislavery is used to mean an activist aversion to the institution of slavery, with cessation of that institution's endemic inhumanity as a near-term goal.

In a September 1932 commemorative address, delivered in the House of Delegates at Richmond, Virginia, in connection with the unveiling of a bust of George Mason, R. Walton Moore, a practicing jurist and an active state and national Democratic politician,<sup>18</sup> described Mason as "... a man on whom an unwelcome fate imposed the ownership and use of slaves ...."<sup>19</sup> One almost senses in Moore's words a hint of an apology on behalf of Mason, but even if one allows that his conclusion may have been remotely accurate, Moore provided no support in writing that contention.

In her 1938 work, George Mason: Constitutionalist,<sup>20</sup> Helen Hill began to add emphasis to the notion that Mason hated and opposed slavery. She wrote,

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<sup>17</sup> David Brion Davis, The Problem of Slavery in the Age of Revolution: 1770-1823 (Ithaca: Cornell University Press, 1975), 21 and 22.

<sup>18</sup> Biographical Directory of the United States Congress: 1774-Present, "Moore, Robert Walton, 1859-1941," n.d., <<http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000915>> (3 April 2004).

<sup>19</sup> Moore, "George Mason, The Statesman," 16.

<sup>20</sup> Helen Hill, George Mason: Constitutionalist. (Cambridge: Harvard University Press, 1938).



No other institution was ever the object of such passion or consistent opposition on Mason's part as slavery. His first political paper opened with an affirmation of the advantages of developing land by free as opposed to slave labor; his final attack on the Constitution in the Virginia ratifying convention was because of its perpetuation of the slave trade. He held this attitude in common with other members of the group who worked together throughout the Revolutionary period in Virginia.<sup>21</sup>

Thirty-seven years later, in her volume George Mason: Gentleman Revolutionary,<sup>22</sup> dealing principally with Mason's public life, Helen Hill Miller's assessment of Mason and slavery and/or the slave trade was nearly unchanged from her 1938 account. In 1975, Miller wrote, "[Mason was] bent on using the new [United States Constitution] to limit the institution that he had abhorred from his earliest years in public service ...."<sup>23</sup> As with the previous Mason historians, first as Helen Hill, then as Helen Hill Miller, this Mason biographer offered her conclusions as to Mason and slavery, but she failed to provide the deliberations upon which those conclusions were reached.

R. Carter Pittman, a Georgia lawyer and Mason scholar represents a mythmaker who, by comparison, makes George Bancroft pale. Writing in 1954, Pittman opines, "More great constitutional documents were produced by his pen than by that of any other one person in all recorded history."<sup>24</sup> Writing an introduction to a Mason biography, Pittman concluded, "Not since Christ has any one man done more for the masses of

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Helen Hill acknowledged Rowland's two-volume tome as "the" source on George Mason. Hill intended her own work to serve as a shorter general biography of Mason; citing what she regarded as the excessive length of Rowland's work and that Rowland's publication was, in 1938, long out of print. See Hill, George Mason: Constitutionalist, x.

<sup>21</sup> Hill, George Mason: Constitutionalist, 216-217.

<sup>22</sup> Miller, Gentleman Revolutionary.

<sup>23</sup> *Ibid.*, 252.

<sup>24</sup> R. Carter Pittman, "George Mason: Architect of Constitutional Liberty," n.d., <[http://rcarterpittman.org/essays/Mason/George\\_Mason-Architect\\_of\\_Constitutional\\_Liberty.html](http://rcarterpittman.org/essays/Mason/George_Mason-Architect_of_Constitutional_Liberty.html)> (8 January 2004).

men.”<sup>25</sup> On the matter of slavery, Pittman postulated Mason “refused to sign the Constitution precisely because it sanctioned human slavery, which he had publicly opposed all of his life ....”<sup>26</sup> As will be demonstrated in the present work, the contention Mason “refused to sign the Constitution ... because it sanctioned human slavery,”—though a typical explanation—is gross overreaching and, indeed, misstatement.

Dumas Malone continued the well-worn path of oversimplifying Mason’s view of slavery in the Dictionary of American Biography. He wrote,

[Mason’s] opposition to the institution of slavery was perhaps the most consistent feature of his public career ... He believed life, liberty, and the use of property to be central human rights. Applying those criteria to slavery, he favored manumission, so that one man’s life should not be at the mercy of another ...<sup>27</sup>

Later in writing the introduction to Robert Rutland’s George Mason: Reluctant Statesman, Malone offered, “Every reader is entitled to find his own answer to the question, why this master of broad acres and scores of slaves laid supreme emphasis on man’s freedom and found tyranny of all sorts abominable.”<sup>28</sup> Although Malone’s writing contains no consequential support for his contention that Mason consistently opposed slavery during his public career, one cannot reasonably expect such from an author penning a relatively short encyclopedic entry or a mere introduction to the work of another writer.

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<sup>25</sup> R. Carter Pittman, “Introduction,” in Marian Buckley Cox, Glimpse of Glory: George Mason of Gunston Hall (Richmond, VA: Garrett & Massie, Inc., 1954), xvii.

<sup>26</sup> R. Carter Pittman, “George Mason: Architect of Constitutional Liberty,” n.d., <[http://rcarterpittman.org/essays/Mason/George\\_Mason-Architect\\_of\\_Constitutional\\_Liberty.html](http://rcarterpittman.org/essays/Mason/George_Mason-Architect_of_Constitutional_Liberty.html)> (8 January 2004).

<sup>27</sup> Dictionary of American Biography. 1961 ed. s.v. “Mason, George.”

<sup>28</sup> Robert A. Rutland, George Mason: Reluctant Statesman (Baton Rouge: Louisiana State University Press, 1961), xii.

Robert Allen Rutland, who later edited both James Madison's papers and George Mason's papers, wrote a slim volume in 1961 entitled George Mason: Reluctant Statesman.<sup>29</sup> This simple, biographical work lacked meaningful analysis, and apparently the book was written for a juvenile audience.

In 1970, Rutland published George Mason's papers and alleged unless someone uncovered a "long hidden copybook or sheaf of letters," his three-volume set presented "the total picture" of Mason's participation in events from 1750 to his 1792 death. Indeed, Rutland's work represents an important supplement to Kate Mason Rowland's two-volume biography. Concerning Mason and slavery, Rutland concluded,

... on the slavery issue [Mason] took an early, outspoken stand. During the Stamp Act crisis he denounced human bondage as a corrupting influence 'upon the Morals & Manners of our People.' His state papers from that time onward show Mason's chronic uneasiness about slavery. It was an intellectual discomfort Mason tried to share with other southerners, but with little success. Entrapped by the system and his moderate nature, Mason sensed what should be done about slavery but would not tread beyond denunciations and clairvoyant pronouncements.<sup>30</sup>

As with Kate Mason Rowland, one clearly discerns Rutland has a fairly thorough understanding of Mason, at least as thorough as one can gain analyzing across some two centuries. Also, as with Rowland, Rutland provides his conclusion—likely a very sound one—as to Mason and slavery, but he fails to provide insights as to the bases of that conclusion.

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<sup>29</sup> Rutland, Reluctant Statesman.

<sup>30</sup> George Mason, The Papers of George Mason, 1725-1792, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), I: cxi and cxv-cxvi.

In her 1970 master's thesis,<sup>31</sup> Carolyn Duval Martin outlined and analyzed Mason's shifting positions and inconsistencies, as they related to the formation of the United States Constitution. Unfortunately; however, Ms. Martin dealt only tangentially with Mason and slavery.<sup>32</sup>

Written for the general audience, Florette Henri's 1971 work George Mason of Virginia, might seem to have little value to the serious history student in search of a thorough understanding of George Mason. In her slim, unannotated work—short on meaningful analysis and long on pro-Mason hyperbole—Henri concluded Mason “lost ... the battle to end slavery.” In spite of such overstatement concerning Mason's public position on slavery, Henri, nonetheless, dealt more realistically with Mason's personal economic interests in the institution,

With all his being he hated what he called ‘this infernal traffic,’ the slave trade, and the institution of slavery; but his plantations were operated by slaves, just as his father's had been, and he meant to protect his rights in them as in any other property he held until such time as the law declared that they were property no longer.<sup>33</sup>

Although Henri likely overstates Mason's feelings against slavery, she makes the all too common conflation of slavery and the slave trade; and though she overstates Mason's father's reliance on slave labor, the essence of her argument is quite plausible. Most, if not all, of the Founding Fathers reserved a preeminent station for private property and its protection. As one who generally reflected the views of his generation, it is, indeed, quite probable Mason believed as Henri suggested.

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<sup>31</sup> Carolyn Duval Martin, “George Mason and the Federal Constitution” (M.A. thesis, University of Virginia, 1973).

<sup>32</sup> Ibid., 24-29 and 44-46.

<sup>33</sup> Florette Henri, George Mason of Virginia (New York: Crowell-Collier Press, 1971), 5 and 177.

In their 1975 volume The Five George Masons: Patriots and Planters of Virginia and Maryland, Pamela C. Copeland and Richard K. Macmaster deal principally with the Mason family and their surroundings, particularly the role of women in that family. Though Copeland and Macmaster devote the plurality of their pages to Mason of Gunston Hall, they provide valuable capsules of each of the Virginia George Masons from George Mason I, the Immigrant in 1651/1652, through George Mason V, of Lexington, eldest son of the subject of this analysis. Their volume represents an excellent genealogical compilation, but it also contains nuggets of information worth far more to scholars than simple genealogy. Most appropriate to this study is the authors' identification of George Mason's father eschewing slavery at a time when others were increasingly turning to imported slaves to satisfy their labor needs. The authors also provide the most complete account of Mason's mother, Ann Thomson Mason, and the critical roles she played in augmenting the estate Mason was to receive upon attaining his majority. Even more central to the purpose of this project, on the matter of Mason and slavery, Copeland and Macmaster concluded in their volume,

George Mason relied on the labor of a large number of slaves for the operation of a nearly self-sufficient tobacco plantation. He also publicly criticized the entire system of African slavery as he knew it in Virginia. The paradox was not without its own significance. Like many another Virginian of his generation, Mason's experience with slave labor made him hate slavery but his heavy investment in slave property made it difficult for him to divest himself of a system that he despised ... Mason was an outspoken critic of the slave trade and of slavery, but he saw no possible remedy for slavery in his generation.<sup>34</sup>

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<sup>34</sup> Pamela C. Copeland and Richard K. Macmaster, The Five George Masons: Patriots and Planters of Virginia and Maryland (Lorton, VA: The Board of Regents of Gunston Hall, 1975), 58-29, 74-86, 162 and 166.



Copeland and Macmaster's work, like most that preceded it, lacked the bases for their conclusions about Mason and slavery. Nevertheless, their conclusion stands among the most reasoned and balanced of all the Mason biographers.

In his 1989 article entitled "George Mason: Influence Beyond the United States," Professor Edward W. Chester opined that,

... opposition to the peculiar institution was unquestionably one of the most consistent features of George Mason's public career, despite the fact that he was a Southerner. In the Virginian's own words, 'Such a trade is diabolical in itself and disgraceful to mankind.'<sup>35</sup>

As had so many writers, Chester used Mason's words to overstate Mason's antislavery position, and as had so many writers of Mason, he failed to distinguish between slavery and the slave trade.

Although his emphasis rests principally on demonstrating past historians' flawed attempts to interpret George Mason for modern generations, Professor Peter Wallenstein's 1994 journal article, entitled "Flawed Keepers of the Flame: The Interpreters of George Mason," is clearly the best, to date, in outlining the general themes that must be addressed in attempting to discern George Mason's relationship with the twin crucibles of slavery and the slave trade. Professor Wallenstein correctly notes the primary mistakes committed by Mason's chroniclers, who too often improperly jumbled divergent major issues, usually in favor of a positive Mason historiographic legacy. Contrary to the contention of many such writers, Wallenstein argued that opposition to slave importation does not necessarily equate to opposition to slave trafficking,

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<sup>35</sup> Edward W. Chester, "George Mason: Influence Beyond the United States," in George Mason and the Legacy of Constitutional Liberty: An Examination of the Influence of George Mason on the American Bill of Rights, ed. Donald J. Senese. (Fairfax, VA: Fairfax County History Commission, 1989), 141.

opposition to slave importation was by no means opposition to chattel slavery, and calls for amendments to the yet-to-be ratified Constitution were not necessarily calls for the Bill of Rights actually later ratified. While Wallenstein quite lucidly identified the problems of previous Mason writers, his subject concerned the “keepers” of Mason’s historical legacy, not specifically Mason and slavery.<sup>36</sup> Wallenstein does contend the Copeland and Macmaster volume presents the best survey of Mason’s beliefs and behavior concerning race, slavery, and the slave trade.<sup>37</sup>

In an effort to permit America’s founders to “speak for themselves,” John Kaminski assembled an excellent collection of documents and extracts of documents relating to slavery and the Founding Fathers. In his 1995 compendium, A Necessary Evil? Slavery and Debate Over the Constitution, Kaminski covers the period from Thomas Jefferson’s “A Summary View of the Rights of British Americans,” in July 1774, through the official prohibition of the importation of slaves into the United States on March 3, 1807.<sup>38</sup>

In an un-annotated May 2000 article for Smithsonian Magazine,<sup>39</sup> Stephan A. Schwartz<sup>40</sup> claimed Mason chose to oppose the Constitution because it did not end the slave trade and because it lacked a Bill of Rights. Though not a professional historian,

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<sup>36</sup> Peter Wallenstein, “Flawed Keepers of the Flame: The Interpreters of George Mason,” The Virginia Magazine of History and Biography 102, no. 2 (1994): 229-270.

<sup>37</sup> Ibid., 51-52.

<sup>38</sup> John Kaminski, ed., A Necessary Evil? Slavery and Debate Over the Constitution (Madison, WI: Madison House, 1995), x, 2, and 239.

<sup>39</sup> Stephan A. Schwartz, “George Mason: Forgotten Founder, He Conceived the Bill of Rights,” Smithsonian Magazine 31, no 2 (May 2000): 142.

<sup>40</sup> A rather prolific writer, but not an historian, Schwartz describes himself as an “experimentalist in parapsychology.” See Stephan A. Schwartz, “Welcome to my site,” n.d., <<http://stephanaschwartz.com/home.htm>> (8 April 2004).

Schwartz theorized a cogent, and possibly the most plausible explanation as to why Mason, unlike Washington, failed to manumit his slaves. Schwartz offered: “Mason was unwilling to bankrupt his children.” Slavery represented not only a source of inherited wealth; it also served as the means for working the land he passed to his children. In a trailer to the article, the editor informed readers Schwartz plans a book on Mason.<sup>41</sup> That book remains, as yet, unpublished.

In his 2001 book Jefferson’s Pillow, Roger Wilkins, a Professor of History at George Mason University, a former U. S. Attorney General, a Pulitzer Prize winner, and a civil rights activist concluded that George Mason, as a “master of his own penal colony,” along with fellow Virginians, Thomas Jefferson, George Washington, and James Madison, “lived lives cushioned by slavery.” Wilkins uses generally gentle gloves in dealing with these Virginia Founding Fathers, noting “they had been shaped, like all of us, by inherited culture.” Concerning the subject of the present project, Wilkins concluded, “In principle, [Mason] was powerfully opposed to both slavery and the international slave trade, but he was also a Southerner and a slaveowner.”<sup>42</sup>

One might allege even the U. S. government is rather loose with its interpretation of George Mason and slavery. On its website concerning the new George Mason Memorial, the National Park Service informs readers,

Perhaps Masons' greatest act was withholding his signature from the United States Constitution because it did not abolish the slave trade and lacked necessary protection for the individual from the Federal Government.<sup>43</sup>

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<sup>41</sup> Schwartz, “Forgotten Founder,” 144 and 154.

<sup>42</sup> Roger W. Wilkins, Jefferson’s Pillow: The Founding Fathers and the Dilemma of Black Patriotism (Boston: Beacon Press, 2001), 5, 13, 61, and 137.

<sup>43</sup> National Park Service: U. S. Department of the Interior, “George Mason Memorial,” n.d., <<http://www.nps.gov/gemm/>> (3 January 2004).



While technically correct the National Park Service account, by avoiding important contextual considerations, may well serve to mislead many readers.

In spite of many historians' overstatements concerning Mason and the slave trade/slavery, this thesis argues Mason's seemingly strong condemnations of the slave trade and of slavery were, in fact, strongly nuanced and his actions and his inactions toward his own slaves belie the notion that he opposed slavery. Nevertheless, Mason was widely respected and politically well positioned, and his statements and political actions concerning slavery—however perfunctory, and however nuanced—stand as a meaningful product from a man, who sometimes—though not consistently—argued against his own economic self interests. This work will demonstrate Mason was likely neither the strong antislavery advocate he is generally categorized as by many historians, nor was he merely a self-promoting two-faced blowhard on the matter of slavery. Indeed, the delineation between George Mason as a slave-owning Virginia planter and George Mason as a slavery opponent remains hopelessly clouded.

## Chapter I

### “The Rise of Slavery in Virginia: Inception to 1792”

The conclusion of Professor Roger Wilkins that “American slavery was invented in Virginia”<sup>1</sup> represents a captivating, if somewhat misleading, characterization of the development of American slavery. One certainly cannot reasonably question that slavery began its North American manifestation in Virginia; however, the word “invented” suggests the slavery system was designed with premeditation. Instead, the Virginia slavery system developed over a period of several decades, and it evolved as the course of least resistance for the ruling class of coastal Virginia, bent upon improving their own lot in life. Indeed, slavery as the source of labor was not the first choice, but rather a reaction to the problems associated with indentured servitude and the paucity of available indentured servants or land lessees.<sup>2</sup>

From nearly the beginning of the seventeenth century, the labor situation—first in England and then in Virginia—coalesced to enhance the development of indentured servitude. New laws enacted during the Elizabethian period caused high English

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<sup>1</sup> Roger W. Wilkins, Jefferson’s Pillow: The Founding Fathers and the Dilemma of Black Patriotism (Boston: Beacon Press, 2001), 11.

George Mason, as were all his American forebears, was of the Virginia Tidewater region. Slavery, as related in the present work, focuses narrowly on that institution as it developed and was practiced in the Chesapeake region—which encompasses principally the Tidewater area, but also includes the Piedmont area—from the days of the black charter slaves up to George Mason’s death in 1792.

<sup>2</sup> The research of Anthony S. Parent, Jr. contravenes the traditional conception that Virginia slavery developed through the Virginia planter class simply responding and adapting to changing market and labor forces. Instead, Parent contends that a small group of “great planters” consciously “brought racial slavery to Virginia.” Parent summarizes: “the choice of slavery was deliberate, odious, and foul.” See Anthony S. Parent, Jr., Foul Means: The Formation of a Slave Society in Virginia (Chapel Hill and London: University of North Carolina Press, 2003), 2 and 265.

unemployment, resulting in widespread economic dislocations and creating a ready pool of emigrant labor.<sup>3</sup> The Virginia Company's 1607 venture up the James River was due, at least in part, to an attempt to deploy some of the English underemployed population. Generally, English laborers desiring to emigrate to Virginia were willing to pledge several years of their labor in return for passage to Virginia, as well as maintenance throughout their period of indentured service. The early Jamestown immigrants were ill-equipped to adapt well to the harsh conditions of the Virginia wilderness, but once these early settlers became established in Virginia, they eagerly sought tenants or servants. Indeed, the demand for servants in early Virginia was quite high, in part, because even those who had been unable to pay their own way to Virginia soon desired servants of their own.<sup>4</sup>

While indentured servitude offered English immigrants the allure of attaining land ownership, as well as a measure of respectability after a period of indentured service,<sup>5</sup> the supply of such immigrants failed to meet the demand for laborers needed in early Virginia.<sup>6</sup> During the seventeen years following 1607, some 7,600 Englishmen had emigrated to Virginia. At the end of that period, the total English population in Virginia stood at just approximately 1,200, half of whom were servants. The Massacre of 1622, a result of increasing English encroachments on Indian lands, nearly decimated

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<sup>3</sup> Herbert S. Klein, Slavery in the Americas: A Comparative Study of Virginia and Cuba (Chicago: Ivan R. Dee, 1967), 169 and 179.

<sup>4</sup> Edward S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York: W.W Norton & Company, Inc., 1975), 65, 70, 71, 86 106, and 107.

<sup>5</sup> Betty Wood, The Origins of American Slavery: Freedom and Bondage in the English Colonies (New York: Hill and Wang, 1997), 17.

<sup>6</sup> Morgan, American Slavery, American Freedom, 236.

Jamestown, accounting for nearly 350 English deaths. A year later, the “Great Mortality,” caused by various diseases in the hostile Virginia climate, struck the colony, resulting in the death of between 500 and 600 colonists.<sup>7</sup>

Several other conditions—both in England and in Virginia—served to limit the supply of indentured servants to Virginia. The availability of Englishmen for servitude diminished during the 1640s, as a result of the English Civil War and the postwar stability of the English economy. The development of new American colonies also placed pressure on the available labor supply, as first Carolina in the 1660s, and then Pennsylvania in the 1680s, competed for available servants.<sup>8</sup> A declining English birth rate further eroded potential servants.<sup>9</sup> Likewise, Virginia’s reputation as an atavistic destination had spread throughout England, as evidenced by decades of severe mortality, as well as the devastating effects of the boom-and-bust Virginia tobacco economy.<sup>10</sup>

Nevertheless, in spite of the diminishing availability of Englishmen, demand for servant labor remained strong in Virginia throughout most of the seventeenth century, at least partially because indentured servants were more economical for Virginians than were slaves, largely due to health and mortality issues. The high mortality rate during the early seventeenth-century, in the forbidding coastal Virginia climate, made an investment in slaves, which remained more expensive than indentured servants, a poor financial choice, since the life-long service of a slave would not likely be much, if any, longer than

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<sup>7</sup> Wood, *The Origins of Slavery*, 72, 74, and 76.

<sup>8</sup> Wood, *The Origins of Slavery*, 84-85.

<sup>9</sup> Peter J. Parish, *Slavery: History and Historians* (New York: Harper and Row, 1989), 14.

<sup>10</sup> Morgan, *American Slavery, American Freedom*, 236.

the five or seven years of service derived from less expensive indentured servants.<sup>11</sup> A white servant just arriving from England, who had five years or more remaining service, might cost some one thousand pounds of tobacco in the mid-seventeenth century, whereas, during that same period, a seasoned slave cost some two to three times as much.<sup>12</sup> In addition to the disease-ridden Virginia climate, during the seventeenth century slaves experienced a negative growth rate due to the importers' preference for males over females. The devastating conditions of the Middle Passage depleted the health of those surviving the voyage and often reduced female slaves' fertility, as did their new and hostile environment.<sup>13</sup> By one estimate, as late as 1668, white servants outnumbered black slaves by ratios of up to five-to-one in many Chesapeake region counties.<sup>14</sup> Another historian offers further evidence to the strength of servitude, finding that over three quarters of all seventeenth-century immigrants to the Chesapeake came as indentured servants.<sup>15</sup>

Although there exists general consensus among historians as to the timing of the arrival of the first blacks to Virginia, the case is not altogether clear. Most historical accounts contend the first blacks arrived in Virginia in August 1619, when George

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<sup>11</sup> Parish, Slavery: History and Historians, 13.

<sup>12</sup> Morgan, American Slavery, American Freedom, 297.

Slave children were valuable as a commodity as young as seven or eight years of age. See Patricia Bradley, Slavery, Propaganda, and the American Revolution (Jackson: University Press of Mississippi, 1998), 32.

<sup>13</sup> Parish, Slavery: History and Historians, 16. See also Morgan, American Slavery, American Freedom, 297.

<sup>14</sup> Ira Berlin, Many Thousands Gone: The First Two Centuries of Slavery in North America (Cambridge: The Belknap Press of Harvard University Press, 1998), 110.

<sup>15</sup> Wood, The Origins of Slavery, 14.

Yardley, then governor of the colony, and Abraham Peirse, then a merchant, bartered provisions for twenty-some-odd blacks.<sup>16</sup> These accounts contend a Dutch privateer operating in the West Indies had pirated those original 1619 blacks.<sup>17</sup> Contrary to such generally accepted accounts, however, one author alleges shortly before April 1619, a census listed thirty-two blacks already in the Virginia colony;<sup>18</sup> she does not, however, indicate how those persons came to be in the colony.

Regardless of how they actually arrived, or when they first arrived, the charter Virginia blacks apparently were regarded—at least initially—as indentured servants. Most were Christians, having come from the Spanish West Indies, and they were treated in a manner similar to white indentured servants, receiving an education and freedom, along with freedom dues at the end of their period of servitude.<sup>19</sup> Up until about 1680, slaves and indentured servants often toiled side-by-side,<sup>20</sup> and both indentured white servant labor and, later, black slave labor, evolved similarly around the tobacco economy of the Chesapeake region.<sup>21</sup>

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<sup>16</sup> Morgan, American Slavery, American Freedom, 105. See also Wilkins, Jefferson's Pillow, 13.

The first blacks actually brought to Virginia directly from Africa arrived around 1630, on an English privateer, the "Fortune," which had raided a slaver along the Angolan coast. See Klein, Slavery in the Americas, 175.

<sup>17</sup> Klein, Slavery in the Americas, 174-175.

<sup>18</sup> Wood, The Origins of Slavery, 77.

<sup>19</sup> Klein, Slavery in the Americas, 40-41.

<sup>20</sup> James Sidbury, Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730-1810 (New York: Cambridge University Press, 1997), 16.

<sup>21</sup> Berlin, Many Thousands Gone, 111.

Edmund Morgan contends Virginians began “drifting toward [slavery] from the time they first found something profitable to work at,”<sup>22</sup> and tobacco represented something to “work at.” The first Virginia tobacco had been sent to England in 1617, and demand for this soon-to-be quite valuable commodity quickly exacerbated the Virginia labor shortage. At first, tobacco had been prized for its medicinal benefits, but its value escalated significantly when its use spread to pubs and whorehouses.<sup>23</sup> As it would remain throughout seventeenth-century Virginia, tobacco, rather than specie, quickly became the principal medium of exchange. During the early heyday of tobacco in Virginia, by one estimate, tobacco provided six times the return one could expect from any other agricultural crop, and the primacy of tobacco as the crop of early Virginia is reflected in the fact that early Virginians, often in need of food, nevertheless, sometimes neglected raising foodstuffs in favor of raising tobacco.<sup>24</sup> And, yet, the tobacco monoculture remained a labor-intensive production process in a region short on the requisite labor supply. Virginians needed an alternate labor supply, and slave labor appeared a possible solution to the critical labor shortage.

Tobacco production served to aid in the development of slaves’ family life. Since tobacco quickly depleted soil fertility, planters moved their tobacco plots, usually within

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<sup>22</sup> Morgan, American Slavery, American Freedom, 296. Historian, Peter Parish maintained that Morgan’s American Slavery, American Freedom: The Ordeal of Colonial Virginia is among the most important, albeit controversial—modern studies of Virginia slavery. See Parish, Slavery: History and Historians, 172.

<sup>23</sup> Morgan, American Slavery, American Freedom, 90 and 91.

<sup>24</sup> Klein, Slavery in the Americas, 165 and 166.

three years, to fresh soils. This movement from one area to another fostered the slaves' development of extended friendships and eventually kinship.<sup>25</sup>

Blacks likely numbered some five hundred by 1650, but the breakdown of this population, whether free, servant, or slave, is not known. However, irrespective of their particular classification, a member of any of these categories enjoyed rights later denied to all Virginia blacks. For example, few slaves endured punishment disproportionate to that endured by indentured servants. Blacks, regardless of their status, purchased, raised, and sold cattle, and all blacks, including slaves, were permitted to earn and retain money and to use that money to purchase their freedom. There is at least one case in 1646 in which a slave's sale was subject to that slave's consent to the sale.<sup>26</sup> Such self-determination of one's fate would soon disappear for Virginia's enslaved peoples.

The gradually declining coastal Virginia mortality rate, commencing generally around the mid-seventeenth century, meant more indentured servants fulfilled their contracts, and Virginia planters became more willing to invest in slaves, who represented an increasingly more reliable and less troublesome labor supply.<sup>27</sup> Not unlike their lessees, indentured servants, upon fulfillment of their contracts, found raising tobacco an especially alluring occupation, and, consequently, former servants became competitors with their former benefactors. The preoccupation with tobacco led to overproduction and severely declining tobacco prices.<sup>28</sup> Besides the competition in the tobacco market, these

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<sup>25</sup> Berlin, Many Thousands Gone, 131.

<sup>26</sup> Morgan, American Slavery, American Freedom, 154-155.

<sup>27</sup> Parish, Slavery: History and Historians, 14.

<sup>28</sup> Morgan, American Slavery, American Freedom, 185, 197, and 215.



newly-unencumbered servants also sought their own servants,<sup>29</sup> further constricting a tight labor market. To combat these and other similar conditions, planters first altered the Virginia legal system to lengthen the required period of servitude,<sup>30</sup> and they later moved away from using indentured servants and toward the near exclusive utilization of slaves. At least one historian contends indentured servants' unrest served as an added inducement for Virginia planters to shift to slavery in order to gain control of their critical labor supply.<sup>31</sup> Clearly, owning a person's life-long labor—including the life-long labor of that person's progeny—represented a better economic choice than investing in the relatively short-term services of indentured servants. Moreover, by opting to utilize slave labor, planters avoided having to pay the burdensome freedom dues normally paid to servants at the end of their indenture.<sup>32</sup>

Without completely discounting the role of racial prejudices inherent in the Old Dominion's plantation slavery system, Professor Herbert Klein maintained Virginia planters "had little scruple about reducing anyone to an enslaved status." Virginia planters had pursued Native American Indian slavery, but the Native American Indians' largely nomadic disposition, the ease with which they could flee, and their poor adaptability to plantation life, rather than any semblance of a higher racial regard by the Virginia planters, account for the failure of a development of a Native American Indian

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<sup>29</sup> Wood, The Origins of Slavery, 87.

<sup>30</sup> Morgan, American Slavery, American Freedom, 216-217.

<sup>31</sup> Timothy Paul Grady, "On the Path to Slavery: Indentured Servitude in Barbados and Virginia during the Seventeenth Century" (M.A. thesis, Virginia Polytechnic Institute and State University, 2000), 75.

<sup>32</sup> Klein, Slavery in the Americas, 41-42.

slavery institution.<sup>33</sup> Without a reliable and affordable alternative labor supply, Virginia slaveholding planters, who believed their financial survival depended on labor-intensive agricultural pursuits, were without any viable options, and they became ever more inextricably bound to slavery. While servitude, enlarged by the flood of poor and unemployed Englishmen, had served as the primary source of labor for most of the seventeenth century, slavery became solidly ingrained in the colony by the dawn of the eighteenth century.<sup>34</sup>

The Virginia slave system represented a complex amalgam, rather than a simple dichotomy, of racial prejudice and economic considerations.<sup>35</sup> Some might charge racism was the root upon which the branches of slavery thrived, while others, such as Klein, conclude that "... it was economic considerations, to the exclusion of all others, that operated most decisively upon the structure of statutory law and customs that made the slave regime."<sup>36</sup> Indeed, changing demographics and economics likely played a greater determinative role in the shift from servitude to slavery than did race or ethnicity.

After the mid-seventeenth century, blacks fell mostly into either the servant class or the slave class.<sup>37</sup> While in many ways it may be characterized as an antecedent of slavery, indentured servitude represented the commerce of a person's labor, not the

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<sup>33</sup> Ibid., 42-43.

Newly released indentured servants often worked as plantation overseers; compensated based on tobacco production. This compensation system—which did not change to a salary basis until the 1830s—served to wastefully deplete the land and make the field slaves' lives particularly difficult. See Klein, Slavery in the Americas, 179.

<sup>34</sup> Grady, "On the Path to Slavery," 74.

<sup>35</sup> Wood, The Origins of Slavery, 8.

<sup>36</sup> Klein, Slavery in the Americas, 164.

<sup>37</sup> Ibid., 41.

commerce of the actual person, as was the case with slavery.<sup>38</sup> With the increasing costs of, and problems associated with, indentured servants, and with the escalating importation of blacks into Virginia, increasing numbers of blacks fell into the “slave” category, and those in the servant category increasingly had to prove their status as free men.<sup>39</sup> Even those Virginia freedmen manumitted over a century later, pursuant to the 1782 law, faced an uphill battle, having to constantly prove their new status, since in the late eighteenth-century *noir* skin was presumed synonymous with slave status.<sup>40</sup>

While the shift from servants to slavery solved some of the planters’ problems, it created others. The threat of losing one’s liberty, which could be used successfully against servants, held no sway with slaves. Increasingly, those holding slaves utilized pain in greater degrees than did indenture holders, to gain their particular desires. Edmund Morgan found while “the killing and maiming of slaves was not common in Virginia,” frequent beatings of slaves remained commonplace.<sup>41</sup>

Tobacco prices hit an all-time low in 1668, leading to Virginia becoming a land of deepening poverty and discontent, and adding to that discontentment were skirmishes with American Indians along the Virginia frontier. In the summer of 1675, the Susquehannock Indians killed three white Virginia settlers along the frontier. Both Virginia and Maryland called out their local militias, which met with five Susquehannock chiefs to parley. Inexplicably, the militia killed the five chiefs, thereby

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<sup>38</sup> Wood, The Origins of Slavery, 16 and 17.

<sup>39</sup> Klein, Slavery in the Americas, 41.

<sup>40</sup> Sidbury, Ploughshares, 35. As the eighteenth century progressed, whites increasingly came to regard all blacks as slaves unless incontrovertible evidence indicated otherwise. See James Oliver Horton and Lois E. Horton, Hard Road to Freedom: The Story of African Americans (New Brunswick, N. J.: Rutgers University Press, 2001), 31.

<sup>41</sup> Morgan, American Slavery, American Freedom, 312 and 314.

sparkling a wide-ranging war.<sup>42</sup> Governor William Berkeley, trying to avert a Virginia version of King Philip's War, took a defensive position regarding the frontier skirmishes, and the frontier dwellers became incensed. Small farmers, particularly those along the frontier, inferred from this inaction that Berkeley was simply taking care of the tidewater plantations, all the while ignoring those Virginians living along the frontier.<sup>43</sup> Nathaniel Bacon stepped to the fore and assembled a motley rebel force, including slaves, servants, and poor small farmers. Bacon harbored disdain for wealthy, well-connected Virginians, but he channeled his hatred and that of his army against the American Indians. His paramilitary force moved against not the guilty Susquehannocks, but against the friendly Oconeechees. The bloody and somewhat protracted conflict died soon after Bacon died—likely of dysentery—in October 1676.<sup>44</sup>

Bacon's Rebellion, as it came to be labeled, represented at once, a frontier feud, a clash within the social hierarchy, and certainly a civil war with lasting impact. Along with King Philip's War in New England, Bacon's Rebellion in Virginia constituted one of the principal crises of 1676. In the view of Stephen Webb, these two conflicts served as the precursors to the Revolutionary War a century later. The political upheavals of 1676, including the linkage of taxation and representation, participation of the repressed

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<sup>42</sup> Samuel Eliot Morison, The Growth of the American Republic (New York and Oxford: Oxford University Press, 1980), I: 78 and Samuel Eliot Morison, The Oxford History of the American People (New York: Oxford University Press, 1965), 112-115.

<sup>43</sup> Samuel Eliot Morison, The Oxford History of the American People (New York: Oxford University Press, 1965), 112-115 and Paul Johnson, A History of the American People (New York: HarperCollins Publishers, 1997), 77.

The bifurcation of Virginia between the elitist plantation owners and the rugged interior farming society eventually led to the establishment of West Virginia. See Paul Johnson, A History of the American People (New York: HarperCollins Publishers, 1997), 77.

<sup>44</sup> Morgan, American Slavery, American Freedom, 254 and 328 and Morison, The Oxford History of the American People, 112-115.

classes in the revolution, and the concepts of general popular elections and revolutionary rule by committee represented the legacy of these 1676 regional conflicts to the British-American conflict a century later.<sup>45</sup>

The Virginia rebellion demonstrated racial hatred and economic discontentment, when combined, represent a powerful force that could be directed with effect against the upper classes. Furthermore, it demonstrated to the ruling classes the lower classes were not a merely passive lot.<sup>46</sup> Nevertheless, the defeat of those fomenting Bacon's Rebellion commenced the transformation of Virginia—in the words of historian Ira Berlin—"from a society with slaves to a slave society."<sup>47</sup>

From the outset of the eighteenth century, the Virginia slave population experienced a period of strong growth. During the first decades of that century, more slaves were imported into the Chesapeake Bay area than had been imported during the entire seventeenth century.<sup>48</sup> Professor Philip D. Curtin, in his seminal study of the Atlantic Slave Trade, found that excluding those imported into Louisiana, approximately 400,000 Africans were eventually imported into the United States. Nearly half that total came between 1741 and 1780 and a quarter came between 1781 and the cessation of legalized slave importation in 1808.<sup>49</sup> By another estimate, some twenty percent of

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<sup>45</sup> Stephen Saunders Webb, 1676: The End of American Independence (New York: Alfred A. Knopf, 1984), xvii, xvi, and 414.

<sup>46</sup> Morgan, American Slavery, American Freedom, 257 and 269-270 and Horton and Horton, Hard Road to Freedom, 46.

<sup>47</sup> Ira Berlin, Generations of Captivity: A History of African-American Slaves (Cambridge: The Belknap Press of Harvard University Press, 2003), 55.

<sup>48</sup> Parish, Slavery: History and Historians, 14.

<sup>49</sup> Herbert G. Gutman, The Black Family in Slavery and Freedom: 1750-1925 (New York: Pantheon Books, 1976), 33 and 328.

Virginia's imported slaves came to the colony by way of the Caribbean. A portion of those slaves had merely been offloaded from ships fresh from the Middle Passage onto slave ships bound for Virginia, while others had worked for years in the Caribbean, prior to their sale into Virginia.<sup>50</sup> Additionally, the slaves' natural increase began accounting for the escalating Virginia slave population during the 1720s. By 1730, nearly 40% of the blacks in the Chesapeake colonies were born in those colonies, and within two decades, 80% were so born.<sup>51</sup> Virginia's black population grew from approximately 42,000 in 1743 to some 259,000 in 1782.<sup>52</sup> The growth rate continued so strongly that by the mid-1770s, blacks represented some 40% of all Virginians.<sup>53</sup>

Using the first U. S. Census<sup>54</sup> as a proxy for the scope of slavery during Mason's prime political years, one quickly concludes slavery in Virginia represented a large, ubiquitous, unavoidably contentious issue that was not going to simply "go away" on its

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The role of tobacco in the escalation of slavery remained an important factor, as the leaf experienced a marked demand growth in the second quarter of the eighteenth century. See Morgan, American Slavery, American Freedom, 343.

Professor David Brion Davis proffered that the best estimates indicate that North America was the destination of no more than six percent of the Africans imported to the Western Hemisphere. See David Brion Davis, The Problem of Slavery in the Age of Revolution: 1770-1823, (Ithaca: Cornell University Press, 1975), 54.

<sup>50</sup> Sidbury, Ploughshares, 18.

<sup>51</sup> Berlin, Many Thousands Gone, 126-127.

<sup>52</sup> Gutman, The Black Family in Slavery and Freedom, 329.

<sup>53</sup> Wilkins, Jefferson's Pillow, 21.

<sup>54</sup> Commencing on August 2, 1790, the 1790 census included the original thirteen states; the Kentucky, Maine, and Vermont districts; and the Southwest (Tennessee) Territory. U.S. marshals gathered the census data using forms they determined most appropriate to their task—use of standard printed schedules did not commence until the 1830 census. The required queries in the 1790 census included the name of the head of the household and the number of person in each household: identified as to the number of free white males sixteen or older; the number of free white males under sixteen; the number of free white females; the number of all other free persons, subdivided by gender and color; and the number of slaves. See U. S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau, "Measuring America: The Decennial Censuses From 1790 to 2000," (April 2002), 5 and 129

own volition. Excluding the Kentucky district of Virginia, slaves constituted just less than 40% of the state's entire population. Moreover, while Virginia represented less than 20% of the total U. S. population, in excess of 42% of all slaves in the entire nation resided in the Commonwealth. Virginia's slave count was 2.73 times greater than the slave count of South Carolina, the state with the second largest number of slaves.

Mason's home district, Fairfax County, nearly mirrored the demographic strata of the state, counting 4,574 slaves (37.1%) out of a total population of 12,320. Free, white males accounted for just three of every ten Virginians, and more than half of all such males were younger than 16 years. That latter ratio was only slightly higher in Fairfax County.<sup>55</sup> As it had for nearly two centuries, Virginia, in the late eighteenth century, continued to suffer from a shortage of free laborers, and as it had for most of the eighteenth century, Virginia remained a state inextricably tethered to slavery.

In spite of popular contention that slaves were an absolutely necessary resource to sustain agricultural endeavors in Tidewater Virginia, some historians offer credible contravening arguments. Professor Robert W. Fogel concluded neither tobacco nor cotton represented the principal antecedents of eighteenth-century slavery. He contends tobacco exports to Europe increased at an average rate of some 350 tons per year over the entire eighteenth century. With an average production of a ton of tobacco per slave per year, increased tobacco production would have required importation of only a small fraction of the number of slaves actually imported. Professor Fogel also observed cotton's role in the spread of slavery did not occur until near the turn of the nineteenth

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<sup>55</sup> The data used to compile this summary was extracted from data available at the University of Virginia Geospatial and Statistical Data Center. See University of Virginia Geospatial and Statistical Data Center, "United States Historical Census Data Browser," 1998, <<http://fisher.lib.Virginia.edu/census/>> (30 April 2004).



century;<sup>56</sup> therefore, cotton could not have served as a principal impetus for escalating numbers of imported slaves during the eighteenth century. Adding credence to the tobacco aspect of Fogel's argument, Philip D. Morgan, in his Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry, similarly found although raising tobacco indeed represented a labor-intensive process, a single slave in the Chesapeake region usually tended some two acres of the crop. Thus, a relatively modest number of slaves could tend a quite sizable tobacco crop on a Virginia plantation.<sup>57</sup> The Fogel and Morgan theses are interesting contrasts to generally accepted notions as to the root cause of slavery, but, more importantly, their theses clearly demonstrate the need for further analyses of seventeenth-century, and particularly eighteenth-century, slavery.

Unacknowledged by most eighteenth-century whites, America's slaves represented anything but a monolithic shared racial and cultural identity. They may have shared a common race, but Virginia slaves were separated by their varied backgrounds and experiences, as evidenced principally by their divergent ethnic, religious, linguistic, and cultural differences.<sup>58</sup> Certainly, the slaves themselves did not consider they shared a common identity, at least initially.<sup>59</sup>

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<sup>56</sup> Robert W. Fogel, Without Consent or Contract: The Rise and Fall of American Slavery (New York: W.W. Norton & Company, Inc. 1989), 18 and 30.

<sup>57</sup> Philip D. Morgan, Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry (Chapel Hill: University of North Carolina, 1998), 42.

Noted slavery historian, Ulrich Bonnell Phillips defined a plantation as an operation that utilized twenty or more slaves. See Richard Hofstadter, "U.B. Phillips and the Plantation Legend," The Journal of Negro History 29, no. 2 (1944); 110.

<sup>58</sup> Sidbury, Ploughshares, 11. See also Horton and Horton, Hard Road to Freedom, 14.

<sup>59</sup> Sidbury, Ploughshares, 48.



Granting that Virginia's slaves truly reflected wide-ranging cultural diversity, that diversity was not necessarily reflected in the number of nations from which they originated. Indeed, most of the blacks brought to Virginia, whether natives of Africa or Creoles, were descended from just four African states. The Bight of Biafra, the Gold Coast, Angola, and Senegambia served as the source of nearly 85 percent of Virginia's African slave imports.<sup>60</sup>

While many Atlantic Creole slaves embraced Christianity, newly-imported Africans generally favored their native religious practices. These new arrivals sought to retain and practice their native customs that proved so alien to the Virginia planters. In Professor Ira Berlin's words, "Africa had come to the Chesapeake."<sup>61</sup> Virginia slave owners expressed no genuine interest in the ethnic backgrounds of their imported slaves.<sup>62</sup> Indeed, many of the Virginia planters sought to break the spirit of the recent slave imports by stripping them of all cultural ties to Africa. The newly-arrived Africans were denied their native names, at least to the planters, they were often confined to gender-segregated quarters, and they were assigned to the most physically difficult and repetitive tasks.<sup>63</sup>

Not only were the slaves themselves culturally diverse, but as with most social institutions, slavery varied in its construction depending upon its locus, and it was anything but a homogeneous institution either experienced or perpetuated in a similar

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<sup>60</sup> Philip D. Curtin, The Atlantic Slave Trade: A Census (Madison: University of Wisconsin Press, 1969), 157.

<sup>61</sup> Berlin, Many Thousands Gone, 11.

<sup>62</sup> Curtin, The Atlantic Slave Trade, 156.

<sup>63</sup> Berlin, Many Thousands Gone, 112-113.

manner throughout the colonies. In Many Thousands Gone: The First Two Centuries of Slavery in North America, Ira Berlin distinguished four distinct slave societies during the first two hundred years of North American mainland slave societies: a society in the North; one in the Chesapeake region; another in the South Carolina coastal low country; and, a fourth in the lower Mississippi Valley.<sup>64</sup> Indeed, even southern plantation slavery varied greatly between Virginia and South Carolina. Work, work routines, living quarters, living conditions, mortality rates, and reproduction rates, as well as a host of social and economic opportunities, were dramatically different for the plantation slaves of Virginia, compared with the plantation slaves of South Carolina.<sup>65</sup> Further, slavery varied not only from colony to colony but also from region to region, within each colony. On the Tidewater Virginia plantations, the field hand found himself at the absolute bottom of a slave caste system, with successive layers above him, including drivers, artisans, house servants, overseers, and, finally, masters.<sup>66</sup>

In 1705, Virginia's previously scattered and sundry laws were codified into a series of statutes establishing the broad parameters of chattel slavery.<sup>67</sup> The laws emanated from the Virginia House of Burgesses, and they were clearly racially based—they grouped free black Virginians with slaves, excluding Native American Indians from the slave class, and outlawed punishment for whites intermarrying with blacks or mulattos.<sup>68</sup> The new Virginia code defined slaves as real property for inheritance

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<sup>64</sup> Ibid., 111.

<sup>65</sup> Davis, The Problem of Slavery, 101.

<sup>66</sup> Klein, Slavery in the Americas, 182.

<sup>67</sup> Ibid., 53. See also Wood, The Origins of Slavery, 92.

<sup>68</sup> Klein, Slavery in the Americas, 51-52.

purposes, which granted to widows dower rights, as well as settling the lines of succession for those dying intestate. The underlying premise for descending slaves in this manner was to ensure that slaves, the required labor supply—in labor scarce Virginia—would follow the descended property.<sup>69</sup> Thus, by classifying slaves as realty, and therefore subject to dower rights, widows secured life interests in slaves, but not outright ownership of those slaves, and slaves remained tethered to the lands. Not even with the redefinition of slaves as personal property in 1792, did Virginia widows gain absolute dominion over their dower slaves.<sup>70</sup> The 1705 law prohibited trading by slaves, and that legal code was also intended, at least in part, to prevent association between lower class whites and black slaves.<sup>71</sup>

The newly consolidated Virginia slave code was modified in 1710, and the Commonwealth continued to revise its slave statutes for the remainder of the eighteenth century. In 1723, the code was expanded, providing slaves could not possess property in their own right and prohibiting slaves from receiving any commodity without their owner's permission.<sup>72</sup> Virginia tweaked its slave system with revised statutes in 1726, 1727, 1732, 1744, 1748, 1753, 1765, 1769, 1778, 1782, 1785, 1787, 1789, and 1792.<sup>73</sup>

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<sup>69</sup> Thomas D. Morris, Southern Slavery and the Law, 1619-1860 (Chapel Hill: University of North Carolina Press, 1996), 66 and 70, and Marylynn Salmon, Women and the Law of Property in Early America (Chapel Hill and London: University of North Carolina Press, 1986), 152.

<sup>70</sup> Salmon, Women and the Law of Property, 152 and 155.

<sup>71</sup> Morris, Southern Slavery and the Law, 351.

<sup>72</sup> Klein, Slavery in the Americas, 53.

<sup>73</sup> Wilkins, Jefferson's Pillow, 23.

Winthrop Jordan concluded that the legal codes in Virginia (and Maryland) followed social practice, rather than the reverse. Clearly, slavery as practiced in America did not fit the traditional English legal construction and the colonial assemblies were forced to respond to evolving slavery-related social

The 1782 revision of the Virginia slave code repealed the Old Dominion's nearly sixty-year-old statute that had prohibited private manumission, and the new law permitted manumission by deed or will.<sup>74</sup> Manumission by slaveholders had been prohibited since 1723, and with the enactment of the Virginia manumission law in May 1782, the legal impediment to freeing one's slaves no longer provided Virginians' legal cover for failing to free their slaves. Virginia slave owners became empowered "... to emancipate and set free, his or her slaves, or any of them, who shall thereupon be entirely and fully discharged from the performance of any contract entered into during servitude ....",<sup>75</sup>

In addition to the obvious reason for its importance—that of permitting slave manumission—the 1782 statute was critical because it placed needed restrictions on manumission. By restricting the maximum age (45 years<sup>76</sup>) and by defining the health and condition of the slaves eligible for manumission, slave masters were legally prevented from freeing slaves who were no longer productive—those who were sick, abused, or of advanced age. In this manner, the plantation owner, rather than Virginia society, retained the burden of caring for the unproductive slave poor.<sup>77</sup>

The Virginia planters enjoying the greatest economic benefits from the plantation system based on chattel slavery were the ones who retained their prime adult male slaves

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practices with successive slave laws. See Winthrop D. Jordan, White Over Black: American Attitudes Toward the Negro, 1550-1812 (Chapel Hill: University of North Carolina Press, 1966) 81 and 104.

<sup>74</sup> Sidbury, Ploughshares, 34-35.

<sup>75</sup> Kaminski, A Necessary Evil, 15.

<sup>76</sup> Berlin, Many Thousands Gone, 278.

<sup>77</sup> Morgan, American Slavery, American Freedom, 340-341.

and who, through a combination of various means—slave hiring, selective manumission, selective sales, and the like—managed to hire out or dispose of their surplus women and children.<sup>78</sup>

Prior to the eighteenth century, attacks on slavery were muted, and during the course of eighteenth-century, such attacks were largely ineffectual. Notwithstanding scattered and unorganized secular critics of the African slave trade and slavery, most of the abolitionists were to be found in the religious realm. Within this framework, certain groups railed against the African slave trade and exhorted slave masters to treat their slaves humanely, but because of their lack of political standing, these groups were not in a position to impact public policy on either the African slave trade or slavery.<sup>79</sup>

Antislavery efforts, even during the Revolutionary era, remained confined principally to the religious realm. The transcendent underlying effort, rather than being framed as a forward-looking national cause, focused instead on clerical arguments against slavery, principally in terms of self-purification and God's likely retribution.<sup>80</sup> The Quakers, who established the first American antislavery society in 1775 in Pennsylvania,<sup>81</sup> pursued that initiative, but their pacifism during the Revolutionary War had served to tarnish them as Tories, thereby nullifying their effectiveness on the issue.<sup>82</sup>

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<sup>78</sup> Lorena S. Walsh, "Plantation Management in the Chesapeake, 1620-1820," *Journal of Economic History* 49, No. 2 (1989): 405.

Slaves in Virginia were mostly sold in small lots, usually fewer than five per lot.<sup>78</sup> See Sidbury, *Ploughshares*, 20.

<sup>79</sup> Davis, *The Problem of Slavery*, 82.

<sup>80</sup> Bradley, *Slavery, Propaganda, and the American Revolution*, 82-83.

<sup>81</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: The Belknap Press of Harvard University Press, 1967), 245.

<sup>82</sup> Davis, *The Problem of Slavery*, 286.

During the Revolutionary era, the southern colonies remained inescapably dependent upon slavery while the northern colonies moved slowly, yet inexorably, toward stamping out the institution.<sup>83</sup> Professor John Kaminski found that although in 1776, most Americans favored both the end of the African slave trade and—at least in principle—the concept of general emancipation of slaves, during the decade that followed, slavery became even more deeply entrenched in the southern states. Yet during that same period the number of those in the northern states strongly opposed to slavery grew—even though they remained in a decided minority.<sup>84</sup>

Many of those seeking to defend slavery also often turned to religion, specifically the Bible, to justify their cause. As an example, in a November 1785 petition to the Virginia General Assembly, “free Inhabitants” of Pittsylvania County, Virginia, argued “Slavery was permitted by the Deity himself,” citing Leviticus, Chapter 25, Verses 44-46. The petitioners added the “Permission to Possess and Inherit Bond-men” had not been excinded by Jesus or his Apostles.<sup>85</sup> In spite of such tenuous rationalizations, however, biblical era practice did not support the nascent American version of plantation chattel slavery. In the ancient Near East Semitic countries of the Old Testament, slaves—usually foreign captives of war—served a minimal role in the agricultural economies and only a slightly more prominent role as domestics in the households of the wealthy. Most of the arable land was held in small parcels in these nations. Slaves were expensive and usually beyond the means of the typical small landowners, who, instead, depended on

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<sup>83</sup> Ibid., 100.

<sup>84</sup> Kaminski, A Necessary Evil, x.

<sup>85</sup> Ibid., 35.

their large families to provide needed labor. Likewise, the large landowners of that period also generally eschewed slaves—preferring to utilize tenants or sharecroppers to meet their labor needs.<sup>86</sup>

On the positive side of the ledger, the enhanced passion for liberty engendered by the American Revolution fostered liberalized manumission laws—<sup>87</sup> although concerns for public order and property rights mitigated the fervor of many of those inclined toward manumission. In the late eighteenth century, one could add “southern sensibilities” to that list of concerns.<sup>88</sup> Besides, while it served as a useful metaphor in the colonists view as to their treatment at the hands of the British, slavery never became a patriot cause.<sup>89</sup> William Freehling concluded: “In Virginia both secure slave prices and frenzied race fears made emancipation a distant goal.”<sup>90</sup>

Contravening those concerns, David Brion Davis regards them as little more than spurious excuses. He contends historians in analyzing the Revolutionary period tend to underestimate the importance of slavery, overestimate antislavery predilection in Maryland and Virginia, and underestimate the impediments confronting abolitionists, including abolitionists operating in the northern states.<sup>91</sup> Historian Gary Nash supports

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<sup>86</sup> I. Mendelsohn, “Slavery in the OT,” in The Interpreter’s Dictionary of the Bible: An Illustrated Encyclopedia: Identifying and Explaining All Proper Names and Significant Terms and Subjects in the Holy Scriptures, Including Apocrypha: With Attention to Archaeological Discoveries and Researchers into the Life and Faith of Ancient Times, ed. George A. Buttrick (Nashville, TN: Abingdon Press, 1962), 384 and 390.

<sup>87</sup> Horton and Horton, Hard Road to Freedom, 75.

<sup>88</sup> Davis, The Problem of Slavery, 286.

<sup>89</sup> Bradley, Slavery, Propaganda, and the American Revolution, xiv.

<sup>90</sup> William W. Freehling, “The Founding Fathers and Slavery” American Historical Review 71 (1972): 84.

<sup>91</sup> Davis, The Problem of Slavery, 256.



that notion, claiming summarily that the 1770s and 1780s were the “opportune time for abolishing slavery.”<sup>92</sup>

Regardless of the hurdles to be cleared, the reformist sentiment engendered during the Revolutionary period had begun to recede by the time of the Constitutional Convention. Indeed, as Mason drew his last earthly breath some five years later, slavery stood not on the verge of extinction, but rather on the precipice of a great acceleration, spurred by the invention of the cotton gin. The escalating proliferation of slavery was not to be abated for another three-quarters of a century. While the cotton gin eased the separation and removal of seeds from the useful cotton, the resulting increased profitability of cotton induced southern planters to buy and utilize even more slaves, who were now needed to grow and pick this exceedingly labor-intensive crop. The power of cotton in the escalation of the growth of slavery is demonstrated by the fact that in 1790 there were but six slave states; by 1860, there were fifteen.<sup>93</sup> In spite of the fervor for freedom and independence in the 1770s, without a deadly, protracted civil war to force the issue there were few genuine prospects those regions featuring the plantation system and dependent on slave labor would move toward voluntary general emancipation.<sup>94</sup>

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Davis described antislavery as “one of the many harmless philanthropic fashions of the late Enlightenment.” See Davis, *The Problem of Slavery*, 92.

<sup>92</sup> Horton and Horton, *Hard Road to Freedom*, 77.

<sup>93</sup> U. S. National Archives & Records Administration, “Teaching With Documents Lesson Plan: Eli Whitney’s Patent for the Cotton Gin,” n.d., <[http://www.archives.gov/digital\\_classroom/lessons/cotton\\_gin\\_patent/cotton\\_gin\\_patent.html](http://www.archives.gov/digital_classroom/lessons/cotton_gin_patent/cotton_gin_patent.html)> (4 May 2004).

<sup>94</sup> Davis, *The Problem of Slavery*, 84.

## Chapter II

### “The Rise of the George Mason Family in Virginia: Inception to 1792”

Mason’s Virginia forefathers provided him the important legacies of political and military involvement, business and agricultural acumen, and steadily increasing wealth gained principally through land acquisitions. The use of slaves represented an increasingly important factor in the rise of the Mason family fortunes; while at least two of his three immediate Virginia ancestors practiced slavery, none did so to the extent that Mason did.

With seven Masons of direct lineage sharing the Christian name “George,” differentiating among these men presents somewhat of a challenge. In the present work, Roman numerals identify all George Mason’s except George Mason of Gunston Hall, also known as George Mason IV. Unless noted otherwise, all references to “George Mason” or simply “Mason” refer only to George Mason of Gunston Hall.

In a copyrighted family tree, the Board of Regents of Gunston Hall identified the successive George Masons:

George Mason I	The Immigrant	1629-1686
George Mason II	The Cavalier	1660-1716
George Mason III	The Colonel	1690-1735
George Mason IV	of Gunston Hall	1725-1792
George Mason V	of Lexington	1753-1796
George Mason VI	VI	1786-1834
George Thomson Mason	VII	1818-1846 <sup>1</sup>

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<sup>1</sup> Pamela C. Copeland and Richard K. Macmaster, The Five George Masons: Patriots and Planters of Virginia and Maryland, (Lorton, VA: The Board of Regents of Gunston Hall, 1975), Table 1 and Table 8.

### **George Mason I**

George Mason, the Immigrant, was born to Thomas and Ann French Mason, in 1629, at Pershore, Worcestershire, England.<sup>2</sup> By at least one account, the original Virginia George Mason hailed from Gunston Hall in the Parish of Breewood near Wolverhampton in Stafford County, England.<sup>3</sup> Family tradition contends this first Virginia Mason served as a member of Parliament during the reign of Charles I, that he fought as a cavalry colonel under Charles I and Charles II, including the battle at Worcester, and that his principal reason for emigrating from Great Britain was the need for sanctuary after the royalists' defeat at the battle of Worcester.<sup>4</sup> Although the preponderance of accounts support the family tradition that George Mason I served in Parliament and was a courtier of Charles I, Pamela Copeland and Richard Macmaster maintain that George Mason I was more likely a man of yeomen stock.<sup>5</sup>

Around 1651 or 1652, George Mason I apparently sailed from Bristol, England and landed in Virginia at Norfolk. His first Virginia home was located in the Northern Neck area—specifically, Dogue's Neck—some 10 miles from present day Fredericksburg, and it became known first as Accokeek and later as Marlborough or

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<sup>2</sup> Ibid., 1.

<sup>3</sup> Shirley Association, "Mason Surname," 2002, <<http://www.shirleyassociation.com/NewShirleySite/NonMembers/Surnames/MasonSurname.html>> (14 May 2004).

<sup>4</sup> John Esten Cooke, "Historic Houses of America: Gunston Hall," *Appleton's Journal* 11, no. 263 (1874): 418; Helen Hill, *George Mason: Constitutionalist*. (Cambridge: Harvard University Press, 1938), 3-4; and Richard Taylor, "A Statesman of the Colonial Era," *The North American Review* 128, no. 267 (1879): 149.

<sup>5</sup> Copeland and Macmaster, *The Five George Masons*, vi.

Potomac Point.<sup>6</sup> At the time of the first Virginia George Mason's arrival, Northern Neck was still Native American Indian Territory.<sup>7</sup>

Dogue's Neck, sometimes called Dogues Island,<sup>8</sup> was named for the Dogue Indians indigenous to the area when George Mason's forefathers settled there. At one time or another, Dogue's Neck was located in Northumberland, Westmoreland, Stafford, and finally, Fairfax Counties.<sup>9</sup> In 1608, Captain John Smith recorded his meeting with the Dogue Indians of the area. The peninsula later took its present-day name, Mason's Neck, from the Mason family.<sup>10</sup> Dogue's Neck, located along the Potomac River south of Alexandria, is bounded by Pohick Creek on the east, the Potomac River on the south, and Occoquan Creek on the west.<sup>11</sup>

George Mason I gained his initial Virginia lands via the predominant means of the time, by paying the passage of immigrants, known as headrights, to Virginia.<sup>12</sup> For each of his eighteen immigrants, Mason secured the rights to fifty acres in Westmoreland

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<sup>6</sup> Kate Mason Rowland, *The Life of George Mason, 1725-1792*, 2 vols. (New York and London: G.P. Putnam's Sons, 1892), I: 1-2; Copeland and Macmaster, *The Five George Masons*, 9; and Shirley Association, "Mason Surname," 2002, <<http://www.shirleyassociation.com/NewShirleySite/NonMembers/Surnames/MasonSurname.html>> (14 May 2004).

<sup>7</sup> Copeland and Macmaster, *The Five George Masons*, 9.

<sup>8</sup> Robert M. Moxham, *The Colonial Plantations of George Mason* (Springfield, VA: Colonial Press, 1974), 8.

<sup>9</sup> R. Carter Pittman, "George Mason: Architect of Constitutional Liberty," n.d., <[http://rcarterpittman.org/essays/Mason/George\\_Mason-Architect\\_of\\_Constitutional\\_Liberty.html](http://rcarterpittman.org/essays/Mason/George_Mason-Architect_of_Constitutional_Liberty.html)> (8 January 2004).

<sup>10</sup> "Virginia State Parks, "Mason Neck State Park Guide," 1999, <<http://www.dcr.state.va.us/parks/maps/masoneck.pdf>> (2 April 2004).

<sup>11</sup> Rowland, *George Mason*, I: 100.

<sup>12</sup> *Ibid.*, I: 4 and Copeland and Macmaster, *The Five George Masons*, 10.

County.<sup>13</sup> The passage of a single immigrant cost approximately five pounds, so George Mason I was not without financial means.<sup>14</sup> Although not specifically supported in the record, quite likely among those for whom the first Virginia George Mason paid passage were his servants.

In 1675, Mason I led a militia against the Dogues Indians in retribution for their murder of an English settler. During this expedition, Mason's forces fired indiscriminately on an encampment of the previously friendly Susquehannock Indians, and this episode contributed to the massacres leading up to Bacon's Rebellion.<sup>15</sup>

Mason came to Virginia as a single man, but he married Mary French sometime prior to 1658. At some unknown date, Mason later married Frances Norgrave, who was a widow at the time.<sup>16</sup> By the time of his death around 1686, George Mason I had amassed at Accokeek plantation in Stafford County,<sup>17</sup> Virginia, both political power and economic stability, which passed upon his death to his eldest 26-year-old son, George Mason II.<sup>18</sup> The extent, if any, to which George Mason I utilized indentured servants or slaves is not known.

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<sup>13</sup> Rowland, George Mason, I: 4 and Hill, George Mason: Constitutionalist, 3.

<sup>14</sup> Copeland and Macmaster, The Five George Masons, 10.

<sup>15</sup> Helen Hill Miller, George Mason: Gentleman Revolutionary, (Chapel Hill: University of North Carolina Press, 1975), 4 and Hill, George Mason: Constitutionalist, 4-5.

<sup>16</sup> Copeland and Macmaster, The Five George Masons, 17-18.

<sup>17</sup> Mason family tradition contends George Mason I named Stafford County. See Rowland, George Mason, I: 8.

<sup>18</sup> Copeland and Macmaster, The Five George Masons, 18.



## **George Mason II**

Thrice married, George Mason II (sometimes referred to as “The Cavalier” or alternatively as “Colonel”) was born in 1660, likely at the Accokeek plantation. Much like his far better known grandson, George Mason II eschewed the political arena of his colony, preferring instead to concentrate his political power at the local level. As head of the Stafford County, Virginia militia, the Cavalier’s efforts were principally directed toward dealing with Native American Indian affairs, as increasing numbers of white settlers encroached on the Native American Indians’ lands. In spite of his preoccupation with colonial defense, George Mason, the Cavalier, while not of great wealth, significantly augmented the estate his father bequeathed him, and he strengthened through marriage, as well as his own efforts, the political standing of the Mason family in Virginia. George Mason II first acquired land in Stafford County in 1691, and he became a major landowner within a decade. He served as an important building block in the Mason family dynasty, aiding in the transition of Tidewater Virginia from a frontier to a plantation economy. George Mason II held wealth adequate enough to withstand downturns in tobacco prices fostered by overproduction, as well as worn-out tobacco lands.<sup>19</sup>

George Mason II’s last will and testament, drawn up less than eighteen months prior to its actual need in November 1716, listed twenty-one named slaves. Thirteen were specifically identified as “Negroes,” one as a “mulatto,” and seven simply as “slaves”; one might well presume that those in the latter category, Charles, Moal, Billy, Nanny, Lucy, Nelly, and Digg, were also either black or mulatto. Mason bequeathed to each of his daughters a single slave and to each of his sons, other than George Mason III, varying

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<sup>19</sup> Ibid., 19, 30, 32, 36 and Table I.

numbers of slaves. Twenty-five years old at the time of his father's passing, George Mason III received no slaves under the provisions of his father's will. Instead, the younger George Mason, who served as executor of his father's will, was bequeathed "two silver candlesticks, snuffers, and snuff dish." It is not known how many slaves had already passed to the Cavalier's eldest son, George III, since that son had already attained his majority.<sup>20</sup>

### **George Mason III**

As had his father, George Mason III, born in 1690, further enlarged his family's land holdings. As tobacco production wore out existing lands, George Mason III kept acquiring new tracts, and he rarely depleted his holdings via sale. Believing large plantation operations could not be operated profitably, he leased much of his land as small farms to small-scale farmers. Such utilization of his land holdings diminished the role of slaves to George Mason III, who depended primarily upon former indentured servants, often Irish immigrants, to serve as tenants for his small tracts. In the late 1720s and the early 1730s, he provided his tenant farmers use of 150 acres in return for an annual rental of 600 pounds of tobacco. The principal problem with this arrangement, from the standpoint of the lessor, was that lessees usually paid their rents with their poorest quality tobacco. Conversely, while lessors, such as Mason III, certainly sacrificed revenues due to poor quality tobacco, they avoided the capital cost of slaves, as well as

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<sup>20</sup> Rowland, George Mason, I: 373-375 and Copeland and Macmaster, The Five George Masons, 46-47, and 49.

Actually, George Mason II, his third wife, Sarah Taliaferro Mason, and his son Nicholson, all died within a few weeks of one another. See Rowland, George Mason, I: 31.



the continuing maintenance costs for food, clothing, and medicine for their slaves. By one estimate, Mason may have netted a five-pound annual return from each of these 150-acre leases.<sup>21</sup>

George Mason III significantly and successfully diversified his financial holdings beyond land. He acquired exclusive fishing rights in the area of the mouth of Occoquan Creek, including the exclusive right to construct salting, packing, and other similar fishing-related types of buildings nearby. In providing for the long-term security of his family, the lease terms provided that the lease terminated only after the death of George Mason III, his wife, and his eldest son. He also began operating a ferry across the Potomac River, just below the mouth of Occoquan Creek, and this operation provided a steady source of income for many years. The financial significance of this ferry to the Mason family ballooned in 1731, when Prince William County Courthouse was built at the locus of the Mason's ferry landing.<sup>22</sup> Mason's other business ventures included a partnership with John Mercer in a trading sloop operating on the rivers and inlets of the Chesapeake Bay.

George Mason III died on March 5, 1735, when his vessel overturned while crossing the Potomac River. His estate included twenty-three slaves, a dozen of whom were children. Two of the adult slaves were ship carpenters and one a shoemaker. His estate also included six indentured servants—one a carpenter. Since none of George Mason III's children had reached maturity, his estate inventory likely represents the sum of his holdings in chattel slaves. While it is known that just after George Mason III's

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<sup>21</sup> Copeland and Macmaster, *The Five George Masons*, 50 and 58-61.

<sup>22</sup> *Ibid.*, 66-67.

death, his wife, Ann Thomson Mason, owned ten slaves,<sup>23</sup> whether these ten slaves were among the twenty-three contained in George Mason's III's estate inventory is not clear. Further, it is not known whether Mason inherited slaves from his grandparents, but it is highly unlikely he inherited any slaves from his paternal grandfather, since George Mason II died some nine years before Mason's birth, and since no such slaves are identified in George Mason III's will. Thus, if one liberally assumes Ann Thomson Mason's ten slaves, indeed, were incremental to Mason III's slaves,<sup>24</sup> then Mason inherited, at most, thirty-three slaves. Regrettably, what is missing from this analysis of the slave holdings accruing to George Mason of Gunston Hall that were not the result of his efforts, were the number of slaves his wives, first Ann Eilbeck and later Sarah Brent, may have owned prior to their marriage to Mason.

George Mason's mother, Ann Thomson Mason, the daughter of English barrister Steven Thomson<sup>25</sup> and Dorothea Tauton, was born in London around 1699,<sup>26</sup> and she never remarried after the death of her husband.<sup>27</sup> Instead, she set about to augment the assets that would one day pass to her children. George Mason III had bequeathed to his

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<sup>23</sup> Ibid., 73-74 and 81.

Ann Thompson, whose will was drawn up August 25, 1760—when George Mason IV was 34 years old—provided for Mason to receive nine slaves. See Rowland, George Mason, I: 79.

At the time of George Mason III's death, his children, George, Mary, and Thomson, were nine-, four-, and two-years old, respectively.

<sup>24</sup> At the time of her death on November 13, 1762, Ann Thomson Mason's will—in addition to some Charles County, Maryland land—bequeathed George Mason IV nine slaves. See Rowland, George Mason, I: 79.

<sup>25</sup> American National Biography. 1999 ed. s.v. "Mason, George."

<sup>26</sup> Ron Ulrich, "Ulrich Family Tree," n.d., <<http://www.ronulrich.com/rfuged/fam05975.htm>> (3 January, 2004).

<sup>27</sup> Copeland and Macmaster, The Five George Masons, 86.

eldest son assets worth far more than his own father had left him. However, Ann Thomson Mason not only maintained the value of that legacy, she increased it significantly through sound financial management while George Mason IV awaited his majority. Furthermore, in an attempt to mitigate the unbalanced nature of primogeniture, Ann Thomson Mason acquired some 10,000 acres in present-day Loudoun County, Virginia, for the benefit of Mason's brother Thomson and sister Mary.<sup>28</sup>

Historian Douglas Southall Freeman concludes that Ann Thomson Mason's quest to provide for her younger children "illustrates both the ambition of the dominant class to perpetuate itself and the opportunities of achieving that ambition West of the early settlements."<sup>29</sup> While most would likely concur with Freeman as to the then available opportunities to prosper in the West, his stated conclusion as to Ann Thomson Mason's motivation for seeking prosperity for her children other than George may have been overstated. In an age during which primogeniture—a channel through which many family assets devolved—still functioned,<sup>30</sup> Ann Thomson Mason's motivation may have been as simple as her recognizing the inherent unfairness of that practice to her non-eldest children; Mary Thomson Mason and Thomson Mason. One need not overreach to postulate that even if the Mason family doyenne was comfortable accepting the gender construction of the age, thereby leaving Mary Thomson Mason without the benefit of her

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<sup>28</sup> Miller, Gentleman Revolutionary, 26 and Hill, George Mason: Constitutionalist, 9.

<sup>29</sup> Douglas Southall Freeman, George Washington, A Biography, 7 vols. (New York: Charles Scribner's Sons, 1948), I: 205.

<sup>30</sup> Strong evidence exists that primogeniture was in decline as early as the middle of the seventeenth-century in the Chesapeake region. Lois Green Carr and Lorena S. Walsh found that nearly twenty percent of men in 1660s Maryland left their entire estate to their wives. As the century progressed, husbands in that region increasingly left the majority, if not all, of their estates to their spouse. See Lois Green Carr, and Lorena S. Walsh, "The Planter's Wife: The Experience of White Women in Seventeenth-Century Maryland," The Williams and Mary Quarterly (3<sup>rd</sup> Series) 34, no. 4 (1977): 556.

father's estate, primogeniture was at least as inequitable to Thomson Mason, who was just over eighteen months old at the time of his father's death. Indeed, Mary Thomson Mason needed only a dowry, whereas Thomson Mason needed an estate. Regardless of her motivation, however, according to Judge John Thomson Mason of Annapolis, Ann Thomson Mason's investment in ten thousand acres of "wild lands" in Loudoun County for "a few shillings per acre ... turned out [to be] a most fortunate one, and she thereby unwittingly made her two younger children *wealthier* [emphasis added] than their elder brother."<sup>31</sup>

In 1739, a good year for tobacco prices, the returns on the Mason agricultural assets clearly demonstrate the wisdom of George (III) and Ann Thomson Mason's preference for leasing lands for tobacco rents as opposed to operating large-scale, slave-based tobacco plantations. While the tobacco output of the Mason plantations totaled 7,983 pounds, rents from the Mason family's leased lands returned 23,133 pounds of tobacco.<sup>32</sup> The year 1739 also represented the third full year of Ann Thomson Mason's capable estate management.

Ann Thomson Mason demonstrated excellent financial management skills for her children, as she maintained meticulous accounting ledgers and steadfastly avoided indebtedness.<sup>33</sup> Too, during her management of the Mason estate, Ann Mason continued to maintain that the ongoing costs of slaves' maintenance exceeded the value of their production.<sup>34</sup> As a fatherless teenager, George Mason, later of Gunston Hall, certainly

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<sup>31</sup> Rowland, George Mason, I: 51.

<sup>32</sup> Copeland and Macmaster, The Five George Masons, 82.

<sup>33</sup> Miller, Gentleman Revolutionary, 26.

<sup>34</sup> Copeland and Macmaster, The Five George Masons, 81.

had an opportunity to model the cautious, competent asset management practices, including debt avoidance, practiced by his mother. He surely learned much from his mother's financial practices, but he apparently ignored her conception as to the questionable wisdom of utilizing slaves.

### **George Mason IV**<sup>35</sup>

George Mason IV was born the eldest son to George Mason and Ann Thomson Mason, on Friday, December 21, 1725.<sup>36</sup> At age nine, Mason lost his father when a winter squall overtook the elder Mason's boat,<sup>37</sup> and he never knew either of his grandfathers.

In the course of little more than a generation, the Northern Neck area had evolved from a proprietary dominion, owned principally by the absentee Fairfax family, into owner-occupied plantations. The resulting large tracts, located between the Potomac and Rappahannock rivers, featured ambitious, increasingly wealthy planters, who eventually became Virginia's aristocracy. By the time of Mason's 1725 birth, inheritance, emanating largely from primogeniture and augmented by land speculation, became the principal path to riches. Upon reaching his majority, Mason inherited thousands of

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<sup>35</sup> In addition to the sources specifically cited, the general biography material concerning George Mason of Gunston Hall was drawn from American National Biography. 1999 ed. s.v. "Mason, George;" Collier's Encyclopedia. 1994 ed. s.v. "Mason, George;" Dictionary of American Biography. 1961 ed. s.v. "Mason, George;" Encyclopedia Americana. 1996 ed. s.v. "Mason, George;" Encyclopedia Britannica. 1973 ed. s.v. "Mason, George;" Harper's Encyclopedia of United States History: From 458 A.D. to 1902. 1902 ed. s.v. "Mason, George;" Richard B. Morris, ed., Encyclopedia of American History (New York: Harper & Brothers, 1953), 78, 112, 113, 116, and 119; Who was Who in the American Revolution. 1993 ed. s.v. "Mason, George;" and The World Book Encyclopedia. 2001 ed. s.v. "Mason, George."

<sup>36</sup> Fairfax County, Virginia, "Timeline of Fairfax County History," n.d., <<http://www.co.fairfax.va.us/library/branches/vr/timeline.htm>> (4 May 2004).

<sup>37</sup> Robert A. Rutland, George Mason: Reluctant Statesman (Baton Rouge: Louisiana State University Press, 1961), xiii.

choice Maryland and Virginia farmlands, as well as several thousand more acres of virgin western lands, some reaching into what would later become Kentucky. By one estimate, Mason's land holdings eventually totaled more than 75,000 acres.<sup>38</sup> In addition to these substantial land holdings, his father's estate included an adequate amount of liquid assets in the form of tobacco—the currency with which planters conducted much of their commerce—as well as bills of exchanges and cash. As previously noted, Mason's inheritance also included, at most, thirty-three slaves. Throughout his life, Mason speculated in western lands, but he largely avoided investments in public securities, and, like his mother, he strictly avoided personal indebtedness. Rutland concluded that Mason “never forgot that it was better to be due a pound than to owe a shilling.”<sup>39</sup>

Mason did not attend college—the College of New Jersey (present day Princeton University) and the College of William and Mary were popular choices for many of the Virginia gentry of his day<sup>40</sup>—and some have labeled him an autodidact, but that probably is not the case. It is generally believed Mason garnered sustained on-the-job-training as a quasi-ward of Marlborough jurist John Mercer, who had married Mason's aunt.<sup>41</sup> Mercer's library is generally assumed to have included some 1,500 volumes, a third of which related to the law. Mason gained unexpected training because Mercer found himself disbarred during the decade of the 1740s due to his brusque and insulting

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<sup>38</sup> Rutland, *Reluctant Statesman*, 4-5 and 23.

By one estimate, Mason's land holdings eventually totaled more than 75,000 acres. See *Ibid.*, 23.

<sup>39</sup> Rutland, *Reluctant Statesman*, 6 and 8.

<sup>40</sup> Mason's brother, Thomson studied law in England. See *Ibid.*, 13.

<sup>41</sup> James Mercer Garnett, “James Mercer,” *The William and Mary Quarterly* (1<sup>st</sup> Series) 42, no. 2 (1908): 86.



mannerisms in county courts. During this period of unexpected respite, Mercer set about to produce an abridgement of Virginia's laws, reviewing all existing Virginia laws as well as all British laws and statutes then in force in the colony. The comprehensive nature of this project undoubtedly contributed to young Mason's later prominence in matters of a legal nature, matters for which he had received no formal training and yet matters on which he was later to be considered an authority even among well-trained attorneys.<sup>42</sup>

Additionally, Ann Thomson Mason's ledger books list a "Master Williams," who taught children in a schoolhouse on the Mason's Chopawamsic plantation, as receiving an annual stipend of 1,000 pounds of tobacco for tutoring George in 1736 through 1739. Prior to his death in 1738, the Mason's minister, Reverend Alexander Scott, selected and ordered from England books for Mason's use. A "Master Wylie" apparently also taught Mason in 1738, possibly introducing the lad to the Greek and Latin classics. In 1740, a "Dr. Bridges" was also paid for tutoring Mason.<sup>43</sup> While the record is far from complete, it is known that Ann Thomson Mason kept meticulous records, segregating the expenditures she made on behalf of each of her children;<sup>44</sup> thus one can safely presume these ledger entries relate to payments for Mason's—and not his brother's nor his sister's—education.

As did many of his contemporaries, Mason also later became an accomplished surveyor. This particular skill was especially important to large landowners of the

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<sup>42</sup> Hill, George Mason: Constitutionalist, 12-14.

<sup>43</sup> Copeland and Macmaster, The Five George Masons, 75 and 78.

<sup>44</sup> Miller, Gentleman Revolutionary, 26.



eighteenth-century, a period during which boundaries and land titles were often contested and legal precedents for resolution of such matters had not yet been firmly established.<sup>45</sup> Mason's legal abilities relating to land issues were particularly strong and others often sought his counsel regarding such matters.<sup>46</sup>

Standing nearly six feet tall,<sup>47</sup> intellectual, witty, well-bred, and financially secure, with hazel eyes and bushy eyebrows, the well-proportioned young Mason was a good equestrian, a mediocre dancer, and an apathetic fencer. Yet, by the time of reaching his maturity, Mason would not be described as particularly distinguished.<sup>48</sup>

Even though his children recalled that Mason was a caring, but decidedly firm gentleman his personality likely was assuredly affected by his ever-present medical conditions. Mason suffered from recurring bouts of gout, a form of arthritis that primarily affected one's joints. His debilitating condition first surfaced during his early thirties and was excruciatingly painful. He was known to walk about on crutches, and, on some particularly painful occasions, he was carried about in a chair. Contemporary medical practice dictated bloodletting to reduce the bilious fluids, which were believed to cause the painful inflammations. Apparently it must have provided Mason some measure of relief, for he urged his own children to use bloodletting when they were ill.<sup>49</sup> In addition

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<sup>45</sup> Moxham, The Colonial Plantations of George Mason, 1.

<sup>46</sup> Roger W. Wilkins, Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism (Boston: Beacon Press, 2001), 37.

<sup>47</sup> Taylor, "A Statesman of the Colonial Era," 156.

<sup>48</sup> Rutland, Reluctant Statesman, 7-8, 10, and 23.

<sup>49</sup> Rutland, Reluctant Statesman, xiv and 26-29.

to chronic gout, Mason also suffered from erysipelas attacks.<sup>50</sup> Rutland summarized that with all his health maladies Mason qualified “as a valetudinarian of the first rank.”<sup>51</sup>

Dignified in all manner of settings, Mason, nonetheless, could be quite humorless. One must use care, however, in attributing Mason’s irascible nature solely to his gout or his erysipelas. In the few surviving recollections of the nature of Mason, his humor was generally recalled as sarcastic.<sup>52</sup>

On April 4, 1750, Mason married Ann Eilbeck, the only child<sup>53</sup> of Colonel and Mrs. William Eilbeck, a Charles County, Maryland merchant family. In Mason’s recorded words, Ann was “elegantly shaped” and “her complexion remarkably fair and fresh.”<sup>54</sup> The union of George and Ann Eilbeck Mason produced a dozen children; nine of whom survived infancy:

George Mason	1753-1796
Ann Eilbeck Mason	1755-1814
William Mason	1756-1757
William Mason	1757-1818
Thomson Mason	1759-1820
Sarah Eilbeck Mason	1760-1823
Mary Thomson Mason	1762-1806
John Mason	1766-1849
Elizabeth Mason	1768-18??

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<sup>50</sup> Copeland and Macmaster, *The Five George Masons*, 114.

Erysipelas is a skin infection often associated with cuts or scrapes to one’s skin. Blisters sometimes develop over the lesion, often accompanied by fever and shaking chills. The skin under the lesion is painful, red, swollen, and warm. The condition sometimes affects one’s face, but most sufferers experience problems on their legs. The condition may take a few weeks to return to normal. See U.S. National Library of Medicine and National Institutes of Health, “Medical Encyclopedia: “Erysipelas,” 2002, <<http://www.nlm.nih.gov/medlineplus/ency/article/000618.htm>> (21 May 2004).

<sup>51</sup> Mason, *Papers*, I: cxiii.

<sup>52</sup> Rutland, *Reluctant Statesman*, 28, 29.

<sup>53</sup> Rowland, *George Mason*, I: 56.

<sup>54</sup> Rutland, *Reluctant Statesman*, 10.

Thomas Mason	1770-1800
James Mason/Richard Mason	1772-1772 (twins)

Together, the Masons built their family manor, which they called Gunston Hall—situated not far from George Washington’s Mount Vernon—in the mid- to late-1750s. By the time his main architect arrived from England in October 1755, the principal structural work, including the walls, masonry, and roof, were in place.<sup>55</sup> Gunston Hall was sited some 600 yards inland from Newtown, the now extinct plantation home of his father and his grandfather.<sup>56</sup> The name “Gunston Hall” represented for Mason a connection to an old English manor, specifically his cousins’ family manor in Staffordshire, England.<sup>57</sup> Based upon entries in the Mason Family Bible, Mason moved his family into Gunston Hall sometime between late 1757 and early 1759. Consecutive entries in the family Bible record that “William Mason (the second of the Name) was born on the 22d. Day of October 1757. abt 3 O’Clock in the Morning, in Dogues Neck; ...” followed by “Thomson Mason was born on Sunday the 4th. of March 1759 abt. 11 O’Clock in The Fore-noon, at Gunston-Hall.”<sup>58</sup>

Ann Eilbeck Mason gave birth to their last children, twin boys named Richard and James, two months prematurely on December 4, 1772. She lingered afterwards for

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<sup>55</sup> Copeland and Macmaster, *The Five George Masons*, 98.

<sup>56</sup> Moxham, *The Colonial Plantations of George Mason*, 18-19.

Gunston Hall is located on the north side of Gunston Road, 3.8 miles east of Richmond Highway, near Lorton, Virginia. See Fairfax County, Virginia, “Cemeteries of Fairfax County, Virginia: Mason Family Cemetery,” 2003, <<http://www.co.fairfax.va.us/library/branches/vr/cem/cem144.htm>> (4 May 2004).

<sup>57</sup> Copeland and Macmaster, *The Five George Masons*, 99-100.

In 1874, Gunston Hall was described as neglected, having been inhabited and abused by both sides during the American Civil War. See Cooke, “Historic Houses of America: Gunston Hall,” 418-419.

<sup>58</sup> Mason, *Papers*, I: 480.



slightly more than three months before succumbing to what Mason described as “a painful & tedious Illness of more than nine months.”<sup>59</sup> Ann Eilbeck Mason died at 39 years of age, on Tuesday, March 9, 1773, and within eleven days Mason commenced and finished penning his extensive last will and testament that remained to his death unamended by any codicil.<sup>60</sup>

Mason remained unmarried for some seven years; then, on April 11, 1780, he married Sarah Brent, a previously unmarried fifty-year old, whose forefather had patrolled the Indian frontiers with Mason’s grandfather. At the time of his second marriage, eight of Mason’s nine children still lived at Gunston Hall.<sup>61</sup>

Mason served in a number of long-term public and private commitments. He was a member of the Anglican Church (Church of England),<sup>62</sup> but Mason also supported disestablishment.<sup>63</sup> In either 1748 or 1749, he was elected as one of a dozen vestrymen to Truro Parish Vestry, a group that administered the church’s public, as well as its religious affairs.<sup>64</sup> Mason functioned in that capacity until 1785. In 1752, Mason was

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<sup>59</sup> Miller, *Gentleman Revolutionary*, 99-100.

<sup>60</sup> Copeland and Macmaster, *The Five George Masons*, 116-117.

<sup>61</sup> Copeland and Macmaster, *The Five George Masons*, 116, 208-209, and 235.

<sup>62</sup> Hill, *George Mason: Constitutionalist*, xx.

<sup>63</sup> U. S. National Archives & Records Administration, “George Mason, Virginia,” n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003). See also Patrick T. Conley and John P. Kaminski, *The Constitution and the States: The Role of the Original Thirteen in the Framing and Adoption of the Federal Constitution* (Madison, WI: Madison House, 1988), 208.

<sup>64</sup> Alf J. Mapp, Jr., *The Faith of Our Fathers: What America’s Founders Really Believed* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2003), 112-113.

In his study of the Founding Fathers’ religious attitudes, Alf J. Mapp, Jr. was able to offer little more than, “Mason’s reputation for veracity and his habit of exact phraseology leave little doubt that his attitude was essentially Christian.” As further evidence of Mason’s “conventional piety,” Mapp cited

appointed to serve as treasurer of the Ohio Company—a position he would hold for some four decades; the Ohio Company’s mission was to speculate in western lands. Mason wrote his first major state paper, “Extracts from the Virginia Charters, with Some Remarks upon Them,” in response to the British revoking the Ohio Company’s land rights in 1773.<sup>65</sup> He also fulfilled the role of trustee of Alexandria, Virginia from 1754 to 1779, and he labored most of his adult life as a Fairfax County court justice.<sup>66</sup> From about 1755, Mason is generally referred to as “Colonel” Mason. This moniker apparently was derived from his service in supplying Virginia forces during the French and Indian War, known in Europe as the Seven Years War.<sup>67</sup>

Mason’s first attempt at political office—the Virginia House of Burgesses in 1748—ended unsuccessfully. Some ten years after that initial political run, Mason ran successfully for a seat in the Virginia House, serving there until 1761. He remained largely out of public office from 1761 to 1775, but during that time Mason did not remain outside the political arena.<sup>68</sup>

During the Stamp Act of 1765 crisis, Mason wrote a proposal for replevying goods and distress for rents. In connection with that same perceived onerous British legislation, Mason also penned a letter to a committee of London merchants with the intent of presenting the colonists’ perspective as well as seeking the merchants’ support

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Mason’s habit of offering a brief grace before each meal, “God bless us and what we are going to receive.” See Mapp, Jr., *Faith of Our Fathers*, 114.

<sup>65</sup> U. S. National Archives & Records Administration, “George Mason, Virginia,” n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003).

<sup>66</sup> *Dictionary of American Biography*. 1961 ed. s.v. “Mason, George.”

<sup>67</sup> Miller, *Gentleman Revolutionary*, 64.

<sup>68</sup> *Ibid.*, 91 and 96 and Taylor, “A Statesman of the Colonial Era,” 151.

for the colonists' position.<sup>69</sup> In 1769, and again in 1770, Mason contributed to the construction of resolutions presented by Washington in the Virginia House regarding non-importation of British goods that were subject to duties. These were attempts to use boycotts of British merchants to gain those merchants' support in having Parliament repeal the Townshend Duties. Mason is generally credited as producing many of the documents that Washington carried into the House of Burgesses.<sup>70</sup>

In 1773, Mason wrote "Extracts from the Virginia Charters, with Some Remarks upon Them." He is also generally credited, perhaps incorrectly, with writing, a year later, what came to be known as the Fairfax Resolves, which proposed a congress of the colonies and recommended a trade boycott against Great Britain.<sup>71</sup>

Three years later, Mason performed what might arguably constitute his finest contribution to his nation with his largely unchanged draft of the Virginia Declaration of Rights. Mason also helped draft the 1785 Mount Vernon Compact, between Virginia and Maryland, concerning navigation of the Chesapeake Bay and the Potomac River. The following year he was appointed to, but did not attend, the Annapolis Convention, an interstate commercial convention that led to the 1787 Constitutional Convention.<sup>72</sup>

Mason is renowned as one who disliked committee work, as well as one who seldom ventured far from his home. Yet his service at the Constitutional Convention in the summer 1787 ran counter to both of these Mason preferences. During the

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<sup>69</sup> U. S. National Archives & Records Administration, "George Mason, Virginia," n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003).

<sup>70</sup> Miller, *Gentleman Revolutionary*, 91 and 96 and Taylor, "A Statesman of the Colonial Era," 151.

<sup>71</sup> Ibid., 105 and Copeland and Macmaster, *The Five George Masons*, 186.

<sup>72</sup> Copeland and Macmaster, *The Five George Masons*, 225-227.



Convention, Mason ranked among the five most frequent speakers. He helped shape the Constitution, but in the end, he refused to provide his assent to the final product. Following the Convention, Mason wrote his objections against the proposed Constitution,<sup>73</sup> and during the following summer, Mason strongly opposed the Constitution during the Virginia ratifying convention.

Upon the March 12, 1790, death of Virginia Senator William Grayson, Virginia Governor Beverley Randolph appointed Mason to fill Grayson's U. S. Senate seat, an appointment Mason refused, citing poor health.<sup>74</sup> Mason frequently referred to his ill health in his correspondence throughout much of his life, and quite likely this excuse for not accepting a Senate seat was indeed legitimate for the 64-year-old Mason. Yet, it is also quite likely his feelings remained bruised from his losing the protracted battle over the Federal Constitution.

Mason died on October 7, 1792, a Sunday afternoon, some two months shy of his sixty-seventh birthday. He was buried on the grounds of Gunston Hall. According to John Esten Cooke, as of 1874—the time Cooke wrote an account of Mason—Mason's grave remained unmarked.<sup>75</sup> Five years later, however, in a journal article, Richard

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<sup>73</sup> Max Farrand, *The Framing of the Constitution of the United States* (New Haven: Yale University Press, 1913), 17; Clinton Rossiter, *1787: The Grand Convention* (New York: The Macmillan Company, 1966), 120; Conley and Kaminski, *The Constitution and the States*, 208; Forrest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, 1958), 72; U. S. National Archives & Records Administration, "George Mason, Virginia," n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003); and *American National Biography*, 1999 ed. s.v. "George Mason."

<sup>74</sup> Donald J. Senese, "George Mason—Why the Forgotten Founding Father," in *George Mason and the Legacy of Constitutional Liberty: An Examination of the Influence of George Mason on the American Bill of Rights*, ed. Donald J. Senese. (Fairfax, VA: Fairfax County History Commission, 1989), 151 and Rossiter, *1787*, 318.

<sup>75</sup> Cooke, "Historic Houses of America: Gunston Hall," 419.



Taylor wrote, “a plain marble slab, inscribed with his name, date of birth and death, marks [Mason’s burial] spot ....”<sup>76</sup> Today, the elegy on Mason’s raised sarcophagus, located in the family cemetery some 300 yards southwest of the Gunston Hall dwelling, reads as follows,

GEORGE MASON  
 departed this life on the 7th day of October 1792  
 in the 67th year of his Age  
 Principal Author of the First Constitution of Virginia  
 - Basis of the Federal Bill of Rights -

The Gunston Hall plantation slave cemetery—which undoubtedly existed—is no longer in evidence today.<sup>77</sup>

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In describing an indication of Mason’s children’s callous behavior after his death, Henri claims that George and Ann Eilbeck Mason’s wedding portraits were “shoved out of the way to mildew in a damp cellar.” See Florette Henri, *George Mason of Virginia* (New York: Crowell-Collier Press, 1971), 177.

<sup>76</sup> Taylor, “A Statesman of the Colonial Era,” 158.

<sup>77</sup> “Fairfax County, Virginia, “Cemeteries of Fairfax County, Virginia: Mason Family Cemetery,” 2003, <<http://www.co.fairfax.va.us/library/branches/vr/cem/cem144.htm>> (4 May 2004).

### Chapter III

#### **“George Mason: His Public Record and Slavery—The Revolutionary and Confederation Periods”**

Kate Mason Rowland labeled Mason “... the pen of the revolution in Virginia,”<sup>1</sup> and while that contention is certainly subject to question, Mason unquestionably proved to be a rather impolitic political thinker and an important political writer during America’s revolutionary period. Beginning in 1765, and for the next two decades, Mason produced or contributed to the construction of a number of important political proposals, documents, and treatises, many of which at least partially considered slavery or the slave trade. The reach of Mason’s political contributions was aided by at least three considerations: first, Virginia, along with Boston and New York, represented an important seat of American politics; second, the colony, in general, and the Tidewater region, in particular, was blessed with some of America’s leading political luminaries—within a span of some thirty years, and within a radius of some one hundred miles were born George Washington, James Madison, Thomas Jefferson, Patrick Henry, John Marshall, and George Mason;<sup>2</sup> and finally, Virginians of the Revolutionary era were

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<sup>1</sup> Kate Mason Rowland, *The Life of George Mason, 1725-1792*, 2 vols. (New York and London: G.P. Putnam’s Sons, 1892), I: 234.

At its website, the U. S. National Archives notes that Mason has been called the “American manifestation of the Enlightenment.” See U. S. National Archives & Records Administration, “America’s Founding Fathers: Delegates to the Constitutional Convention, Biographical Index of America’s Founding Fathers,” n.d., <[http://www.archives.gov/national\\_archives\\_experience/charters/constitution\\_founding\\_fathers.html](http://www.archives.gov/national_archives_experience/charters/constitution_founding_fathers.html)> (2 September 2004).

<sup>2</sup> James Brown Scott, “George Mason: Remarks at the Celebration of the One Hundred and Fiftieth Anniversary of the Adoption of the Virginia Bill of Rights, Williamsburg, June 12, 1926,” *The William and Mary Quarterly* (2<sup>nd</sup> Series) 7, no. 1 (1927): 20.

highly attuned to British measures affecting other colonies, and they often reacted to those measures almost as readily and as strongly as they did to British measures affecting the residents of the Old Dominion.<sup>3</sup>

### **Scheme for Replevying Goods and Distress for Rent (December 23, 1765)**

The Stamp Act, approved by the British Parliament on March 22, 1765, required colonists to purchase a British stamp that was to be applied to all legal and commercial papers. The latter category of covered “papers” included items ranging from newspapers to playing cards.<sup>4</sup> At the time of the Stamp Act, Virginia was in the midst of an economic downturn due in large part to a contraction of the currency supply and a spate of poor crops. The state did not recover economically until around 1770.<sup>5</sup> In response to the Stamp Act, many Virginia courts closed on November 1, 1765, while some others remained open to deal with matters for which stamped paper was not required.<sup>6</sup>

Mason developed a plan, entitled “Scheme for Replevying Goods and Distress for Rent,” which he designed as a means for dealing with property rent-related matters.<sup>7</sup> Apparently, a majority of Virginians sought to protest the Stamp Act by avoiding the use

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<sup>3</sup> Thad W. Tate, “The Coming of the Revolution in Virginia: Britain’s Challenge to Virginian’s Ruling Class, 1763-1776,” The William and Mary Quarterly (3<sup>rd</sup> Series) 19, no. 3 (1962) 340.

<sup>4</sup> Trevor N. Dupuy, and Gay M. Hammerman, People & Events of the American Revolution (New York and London: R. R. Bowker Company, 1974), 4.

<sup>5</sup> Marc Egnal, “The Origins of the Revolution in Virginia: A Reinterpretation,” The Williams and Mary Quarterly (3<sup>rd</sup> Series) 37, no. 3 (1981): 419.

<sup>6</sup> George Mason, The Papers of George Mason, 1725-1792, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), I: 64.

<sup>7</sup> *Ibid.*, 64-65.

The halting of judicial proceedings provided another benefit for colonists—English merchants were unable to seek legal recovery of the overdue credits they had extended to colonists. See Egnal, “The Origins of the Revolution in Virginia, 420.

of stamped paper. Mason's scheme, his first public document,<sup>8</sup> represented his attempt to provide a mechanism for bypassing the use of stamped paper, during the period of contracted judicial proceedings, and permitting landlords to seize defaulting tenants' goods pledged as security due to their rents being in arrears in cases of continued non-payment. Mason's scheme provided tenants a three-month grace period before their property could be seized in satisfaction of overdue rent.<sup>9</sup>

The scheme, which he enclosed with a letter dated December 23, 1765, addressed to George William Fairfax and George Washington, was intended as a basis for action in the Virginia House of Burgesses. Because the repeal of the Stamp Act became effective March 4, 1766, Mason's scheme never actually came before that legislature.<sup>10</sup>

The portion of Mason's proposal relevant to this project is found in the proposal's initial two paragraphs, the first of which read,

The Policy of encouraging the Importation of free People & discouraging that of Slaves has never been duly considered in this Colony, or we shou'd not at this Day see one Half of our best Lands in most Parts of the Country remain unsettled, & the other cultivated with Slaves; not to mention the ill Effect such a Practice has upon the Morals & Manners of our People: one of the first Signs of the Decay, & perhaps the primary Cause of the Destruction of the most flourishing Government that ever existed was the Introduction of great Numbers of Slaves—an Evil very pathetically described by the Roman Historians—but 'tis not the present Intention to expose our Weakness by examining this Subject too freely.

This introductory paragraph represents Mason's first strong, mostly unequivocal condemnation of slavery and one that was completely unrelated to the subject of

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<sup>8</sup> Helen Hill Miller, *George Mason: Gentleman Revolutionary*, (Chapel Hill: University of North Carolina Press, 1975), 214.

<sup>9</sup> Helen Hill, *George Mason: Constitutional*. (Cambridge: Harvard University Press, 1938), 93 and Mason, *Papers*, I: 63.

<sup>10</sup> Mason, *Papers*, I: 64-65.

his writing. In spite of the strength of his statement, however, it is clear Mason's condemnation of slavery is fueled by fear—fear of the effects of slavery on “our People,” almost assuredly meaning white people. Moreover, the final sentence of this paragraph highlights Mason's fear of opening a figurative “Pandora's Box” by dealing too freely with slavery.

The second paragraph of Mason's scheme relates far more readily to the thrust of the lease/rent proposal,

That the Custom of leasing Lands is more beneficial to the Community than that of settling them with Slaves is a Maxim that will hardly be denied in any free Country; tho' it may not be attended with so much immediate Profit to the Land-holder: in Proportion as it is more useful to the Public, the Invitations from the Legislature to pursue it shou'd be stronger:—no Means seem so natural as securing the Payment of Rents in an easy & effectual Manner: the little Trouble & Risque attending this Species of Property may be considered as an Equivalent to the greater Profit arising from the Labour of Slaves, or any other precarious & troublesom Estate.<sup>11</sup>

Clearly, this second paragraph of Mason's preamble demonstrates the intersection of slavery with the matters of leases and rents. In this passage, Mason acknowledged the higher profits emanating from continuation of slavery, but, importantly, he recognized the need for public good to usurp higher profits.

In his letter to Fairfax and Washington, along with which he enclosed his proposal, Mason provided even more tantalizing insight into his view of slavery:

... the first Part of it [Scheme for Relevying Goods and Distress for Rent] has very little to do with the Alteration proposed, & only inculcates a Doctrine I was always fond of promoting, & which I cou'd wish to see more generally adopted than it is like to be ...<sup>12</sup>

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<sup>11</sup> Ibid., I: 61-62.

<sup>12</sup> Ibid., I: 60-61.



Although the record does not necessarily support such, one can reasonably infer from this letter that Mason often engaged those willing to listen to his view that slavery was evil and the impact of the institution was detrimental to the nation.

### **Letter to the Committee of Merchants in London (June 6, 1766)**

In February 1766, the merchants of London addressed a public letter to the Merchants of New York, calling for American colonists to, among other things, express their “filial duty and gratitude to your paranty country.” Mason responded with an open letter to the London merchants—sent to the London printer of the “Public Ledger,” seeking to apprise the London merchants of the Virginia perspective on the current political contentions between Great Britain and her North American colonies and to enlist the London merchants’ support. In his letter, dated June 6, 1766, and signed “A Virginia Planter,”<sup>13</sup> Mason all but avoided the slave trade. His sole reference to either slavery or the slave trade dealt with the issue only as a juxtaposition of the planter and the slave conditions,

If we are ever so unfortunate to be made Slaves; which God avert! what Matter is it to us whether our chains are forged in London or at Constantinople? Whether the Oppression comes from a British Parliament, or a Turkish Divan?<sup>14</sup>

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<sup>13</sup> Ibid., I: 65-73. See also Richard Taylor, “A Statesman of the Colonial Era,” The North American Review 128, no. 267 (1879): 151 and U. S. National Archives & Records Administration, “George Mason, Virginia,” n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003).

<sup>14</sup> Mason, Papers, I: 68.

It is somewhat disingenuous on the part of Mason, who would later wax so eloquently that the slave trade “originated in the avarice of British Merchants,”<sup>15</sup> to avoid the slave trade issue entirely in his letter to London merchants. One can certainly understand a politically astute George Mason avoiding the slave trade matter in a letter to London merchants, but his silence on the matter in this letter contravenes the claims of those historians who contend Mason was an apolitical, steadfast, and unabashed opponent of the slave trade. If indeed the British merchants were the problem, a bold, decisive slave trade opponent would have called their hand on the matter or he at least would have shared his concerns, similar to those contained in his Scheme for Relevying Goods and Distress for Rent, written less than six months earlier, as to the negative effect associated with the slave trade. However, on this occasion, realizing that the Virginia slave trade was as profitable to the London Merchants as it was to the African chiefs,<sup>16</sup> Mason showed himself as a political pragmatist on the issue of the slave trade

### **Virginia Nonimportation Associations (May 18, 1769 and June 22, 1770)**

After cutting the British land tax in 1767, Parliament, in a move to offset the expected resulting revenue loss, enacted the Townshend Acts, which levied duties on glass, paper, tea, lead, and paint sold in the American colonies.<sup>17</sup> In 1768, the Virginia Assembly petitioned, without success, the British Parliament for repeal of the

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<sup>15</sup> Max Farrand, ed., The Records of the Federal Convention of 1787 rev. ed. in 4 vols. (New Haven and London: Yale University Press, 1966), II: 370.

<sup>16</sup> Pamela C. Copeland and Richard K. Macmaster, The Five George Masons: Patriots and Planters of Virginia and Maryland, (Lorton, VA: The Board of Regents of Gunston Hall, 1975), 163.

<sup>17</sup> T.H. Breen, “Baubles of Britain: The American and Consumer Revolutions of the Eighteenth Century,” Past and Present 119 (1988): 91.



Townshend Act duties, but, increasingly, the colonies turned to nonimportation agreements to accomplish their objectives.<sup>18</sup> British-American relations, centered principally near Boston, continued to erode, and by the end of 1769, every colony except New Hampshire was boycotting British goods and manufactures.<sup>19</sup> In May 1769, the Virginia Nonimportation Association was formed to retaliate against the Townshend Acts, which still remained in effect. As with the other colonies' efforts, the Virginians' objective was to convince British merchants and manufacturers—through Virginians' boycott of their goods—to intercede with Parliament to drop the Townshend Act duties. Such pressure had worked in the past, and the Virginians were hopeful it would work again. Indeed, time and again (1767, 1768, and 1769) London merchants persuaded the British Crown to set aside duties on slaves imported from Africa to Virginia.<sup>20</sup>

Many authors incorrectly attribute the provenance of these Virginia associations to George Mason. He did provide input to the construction of these agreements, but Rutland contends the author of the resolves, possibly Richard Henry Lee, “borrowed heavily” from the product of the March 10, 1769, Philadelphia Merchants Association.<sup>21</sup>

Notably, the Philadelphia Merchants Association contained no strictures on slave imports. Apparently, the actual original compiler of the Virginia Nonimportation Resolutions of 1769 apparently added to the Virginia document a resolve specifically dealing with slave imports.<sup>22</sup> Nevertheless, Virginia's attempts to limit the slave trade

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<sup>18</sup> Mason, Papers, I: 94.

<sup>19</sup> Dupuy and Hammerman, People and Events, 9-11.

<sup>20</sup> Copeland and Macmaster, The Five George Masons, 164.

<sup>21</sup> Mason, Papers, I: 96.

<sup>22</sup> *Ibid.*, I: 100-102 and 112.

itself had been repeatedly rebuffed by Whitehall, which had borne heat from English merchants determined to continue the highly profitable slave trade.<sup>23</sup>

Writing to Washington from Gunston Hall on April 23, 1769, Mason recommended changes to the slave import article of the association. That resolve, as amended by Mason in an April 23, 1769 draft, read: “Fifthly That they will not import any Slaves, or purchase any hereafter imported untill the said Acts of parliament are repeal’d.” The fifth resolve, as actually adopted on May 18, 1769, read: “Fifthly, that they will not import any Slaves, or purchase any imported, after the First Day of November next, until the said Acts of Parliament are repealed.”<sup>24</sup>

The Virginia Nonimportation Association of 1769, which was less comprehensive in nature than those of the northern colonies, focused largely on banning luxury items. Indeed, that agreement permitted continued importation of paper—an item specifically subject to duty under the Townshend Acts, but one for which the Virginians’ had no affordably viable alternatives.<sup>25</sup> Worth noting too, boycotts were not easy for those boycotting purchases. By boycotting the products subject to Townshend Act duties, the colonists were turning back consumption patterns that had been in place for at least three decades.<sup>26</sup>

In an attempt to correct the compliance issues with the first Virginia Nonimportation Association, the second such pact was enhanced, as proposed by Mason, to provide for county committees that would monitor violations at the county level. The

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<sup>23</sup> Miller, *Gentleman Revolutionary*, 13.

<sup>24</sup> Mason, *Papers*, I: 102-103, 105, and 112.

<sup>25</sup> Egnal, “The Origins of the Revolution in Virginia,” 420-421.

<sup>26</sup> Breen, “Baubles of Britain,” 92.

new association provided that those failing to abide by the boycott were to be denied social interaction.<sup>27</sup>

In the strengthened Virginia Nonimportation Association, dated June 22, 1770, George Mason, along with one hundred sixty three other Fairfax County subscribers agreed in part,

That we will not at any time hereafter, directly or indirectly, import, or cause to be imported, or purchase from any person who shall import, any merchandise or manufactures exported from Great Britain, which are, or hereafter shall be, taxed by act of Parliament for the purposes of raising revenue in America.<sup>28</sup>

The list of enumerated goods in the second Virginia Nonimportation Association was quite lengthy, and one of the twelve articles was devoted solely to slave imports,

Fourthly. That we will not import or bring into the colonys or cause to be imported or brought into the colony, either by sea or land, any slaves, or make sale of any upon commission, or purchase any slave or slaves that may be imported by others after the 1<sup>st</sup> day of November next, unless the same have been twelve months upon the continent.<sup>29</sup>

Although both merchants and consumers widely violated the pact,<sup>30</sup> the various American colonies attained a measure of success in March 1770, when Lord North sought repeal of most of the Townshend Act duties.<sup>31</sup> The following month, all the Townshend Act duties, except those on tea, were repealed.<sup>32</sup> Despite this partial success,

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<sup>27</sup> Glen Curtis Smith, "An Era of Non-Importation Associations, 1768-73," William and Mary College Quarterly Historical Magazine (2<sup>nd</sup> Series) 20, no. 1 (1940): 95.

<sup>28</sup> Mason, Papers, I: 120-125.

<sup>29</sup> *Ibid.*, I: 122.

<sup>30</sup> Smith, "An Era of Non-Importation Associations, 1768-73," 94.

<sup>31</sup> Mason, Papers, I: 113.

<sup>32</sup> Hill, George Mason: Constitutionalist, 101.

however, the effectiveness of the Virginia Nonimportation Associations slowly declined in 1770 before breaking down completely in 1771.<sup>33</sup>

As was the case with the 1769 Virginia Nonimportation Association, the author of the 1770 Association is not specifically known. Richard Henry Lee, again, represents a likely possibility, and if such is the case, then Mason represents more than a mere signatory to the Association. In a June 7, 1770, letter to Richard Henry Lee, Mason proposed the committee system that was adopted some two weeks later in the actual 1770 Virginia Nonimportation Association. Indeed, Mason's proposed consequences for non-compliance featured far more drastic treatment in the manner of public castigation than that which was actually adopted. Mason's letter to Lee did not, however, address the matter of slave importation in any form.<sup>34</sup>

### **Extracts from the Virginia Charters, with Some Remarks Upon Them (July 1773)**

Mason wrote his first major state paper, "Extracts from the Virginia Charters, with Some Remarks upon Them," in response to the British revoking the Ohio Company's rights in 1773.<sup>35</sup> The Ohio Company had been formed in 1748, by a group of prominent colonists, principally Virginians, partly to exploit the profitable trans-Allegheny trade and partly to develop the Ohio territory. During July following its formation, the Ohio Company gained a grant of two hundred thousand acres in the area of the Forks of the Ohio; however, much of that same region was also claimed by

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<sup>33</sup> Egnal, "The Origins of the Revolution in Virginia," 421.

<sup>34</sup> Mason, Papers, I: 116-122 and 125.

<sup>35</sup> U. S. National Archives & Records Administration, "George Mason, Virginia," n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003).

Pennsylvania. In 1769, a group of Pennsylvanians, including Benjamin Franklin, joined with a group of Londoners to form the Walpole Company, also known as the Grand Ohio Company, and four years later, the Walpole Company successfully secured a grant to much of the same region to which the Ohio Company already held rights. Mason, who served as the treasurer of the Ohio Company from 1752 until his death, some 40 years later, wrote the Extracts from the Virginia Charters, as the Ohio Company's defense against the Walpole grant.<sup>36</sup>

In his annotations of the Virginia Charters relating to the powers of the Virginia Council, Mason wrote in part,

... that slow Poison, [slavery] which is daily contaminating the Minds & Morals of our People. Every Gentlemen here is born a petty Tyrant. Practiced in Acts of Despotism & Cruelty, we become callous to the Dictates of Humanity, & all the finer feelings of the Soul. Taught to regard a part of our own Species in the most abject & contemptible Degree below us, we lose that Idea of the Dignity of Man, which the Hand of Nature had implanted in us, for great & useful purposes. Habituated from our Infancy to trample upon the Rights of Human Nature, every generous, every liberal Sentiment, if not extinguished, is enfeebled in our Minds. And in such an infernal School are to be educated our future Legislators & Rulers. The Laws of impartial Providence may even by such Means as these, avenge upon our Posterity the Injury done a set of Wretches, whom our Injustice hath debased almost to a Level with the Brute Creation. These Remarks may be thought Foreign to the design of the annexed Extracts—They were extorted by a kind of irresistible, perhaps an Enthusiastick Impulse; and the author of them conscious of his own good Intentions, cares not whom they please or offend.<sup>37</sup>

This relatively small component of Mason's total annotations to the Virginia Charters rank among his strongest protests of slavery. Whereas in later writings and speeches,

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<sup>36</sup> Kenneth P. Bailey, "George Mason, Westerner," Williams and Mary College Quarterly Historical Magazine, (2<sup>nd</sup> Series) 23, no. 4 (1943): 409-410 and 413.

<sup>37</sup> Mason, Papers, I: 173.

Mason generally attacks the slave trade, in this document, slavery—and, not the slave trade—is clearly in the cross hair of Mason’s attack.

### **Fairfax Resolves (July 18, 1774)**

Assembled in reaction to the retaliative British measures against Massachusetts on the heels of the Boston Tea Party, the Fairfax Resolves represented a call for an alliance of the several colonies to protest those punitive British measures. Included in the Virginians’ call was an implied military threat against the British.<sup>38</sup> The Fairfax Resolves represent one of Virginia’s preeminent political documents, particularly since Washington carried it, first to Williamsburg, then to the First Continental Congress.<sup>39</sup>

The seventeenth resolution of the twenty-six Fairfax Resolves dealt specifically and entirely with the slave trade,

17. *Resolved* that it is the Opinion of this Meeting, that during our present Difficulties and Distress, no Slaves ought to be imported into any of the British Colonies on this Continent; and we take this Opportunity of declaring our most earnest Wishes to see an entire Stop for ever put to such a wicked cruel and unnatural Trade.<sup>40</sup>

Further, the twentieth resolution listed the various activities in which the colonial inhabitants would not participate, and it specifically addressed international slave trading as one of the activities to be avoided,

...Inhabitants of all the Colonies upon Oath ... will not ... buy or purchase any Slaves hereafter imported into any Part of this Continent

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<sup>38</sup> The Library of Congress, “The Fairfax Resolves, July 6-18, 1774,” n.d., <<http://memory.loc.gov/ammem/gwhtml/gwfairfax.html>> (17 April 2004).

<sup>39</sup> Donald M Sweig, “A New-Found Washington Letter of 1774 and the Fairfax Resolves,” *The Williams and Mary Quarterly* (3<sup>rd</sup> Series) 40, no. 2 (April 1983): 288.

<sup>40</sup> Mason, *Papers*, I: 205.



until a free Exportation and Importation be again resolved on by a Majority of the Representatives or Deputies of the Colonies.<sup>41</sup>

Although at first glance the latter portion of the seventeenth Fairfax Resolve appears a sincere desire on the part of these prominent Virginians to end slave importation, the sunset provisions contained in both the first portion of that same resolve, as well as the slave-trade portion of the twentieth resolve, seem to demonstrate, instead, the insincerity of those professed “most earnest wishes.” Indeed, limiting the slave trade prohibition to the period of “our present difficulties and distress,” and later, “until a free exportation and importation” resumed, indicates little genuine desire to actually deal with the slave trade, much less chattel slavery.

Mason often receives credit for writing the Fairfax Resolves, largely because he spent the afternoon and night of July 17, 1774 at Mount Vernon, before he and Washington rode to the Fairfax County meeting the following morning, on which day the resolves were adopted.<sup>42</sup> Adding further to the contention of Mason’s and/or Mason and Washington’s authorship, is a copy of the Fairfax Resolves written in Mason’s hand.<sup>43</sup>

In contravention of this presumed authorship, however, Donald Sweig uncovered one of Washington’s personal letters that casts doubt on such contentions. The all-but-

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<sup>41</sup> Ibid., I: 208.

<sup>42</sup> As have many other historians, Clinton Rossiter labeled Mason as the “admired author of the Fairfax Resolves of 1774.” See Clinton Rossiter, *1787: The Grand Convention* (New York: The Macmillan Company, 1966), 120. R. Walton Moore claims the Fairfax Resolves “were written at Gunston Hall wholly by Mason.” See R. Walton Moore, “George Mason, The Statesman,” *The William and Mary Quarterly* (2<sup>nd</sup> Series) XIII (1933): 16.

<sup>42</sup> The Library of Congress, at its website, informs visitors that the Fairfax Resolves were “written by George Washington and George Mason on July 17, 1774, at Mount Vernon.” See The Library of Congress, “The Fairfax Resolves, July 6-18, 1774,” n.d., <<http://memory.loc.gov/ammem/gwhtml/gwfairfax.html>> (17 April 2004).

<sup>43</sup> Sweig, “A New-Found Washington Letter,” 286.



ignored Washington letter also dispels the oft-cited notion that Mason and Washington jointly crafted the Fairfax Resolves at Mount Vernon on July 17, 1774, and carried them into the Fairfax County meeting.<sup>44</sup> In a letter written at Mount Vernon and dated July 11, 1774, addressed to “Dear Brother,”<sup>45</sup> Washington wrote,

... we appointed a Committee to frame such Resolves as we thought the Circumstances of the Country would permit us to go into, & have appointed the 18 for a day of Meeting to deliberate on them.—The Committee have accordingly done this; they have attempted to define our Constitutional Rights, ...<sup>46</sup>

It is fairly clear from Washington’s letter that the Fairfax Resolves were the work of a “committee,” and, moreover, as of July 11<sup>th</sup>, Washington wrote in the past tense when describing the committee’s resolves.<sup>47</sup> Sweig claims Mason may have functioned as the committee amanuensis, but he did not actually draft the Fairfax Resolves.<sup>48</sup> As such, the Fairfax Resolves should not serve as a basis for judging Mason and slavery.

### **Virginia Declaration of Rights (May-June 1776)**

Though his authorship of the Fairfax Resolves has come to be doubted, there is near universal concurrence that Mason’s draft of the Virginia Declaration of Rights<sup>49</sup> became reality, largely, but not completely, un-amended. Mason’s draft of the Virginia

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<sup>44</sup> Ibid., 284 and 286-287.

<sup>45</sup> It is not clear to which of Washington’s brothers—Samuel, the oldest; Charles, the youngest; or John Augustine—the letter was addressed. Professor Sweig contends the latter of the three was the most likely recipient. See Ibid., 284.

<sup>46</sup> Ibid., 290.

<sup>47</sup> Ibid., 287 and 290.

<sup>48</sup> Ibid., 286.

<sup>49</sup> See Appendix II for the complete text of George Mason’s initial draft of the Virginia Declaration of Rights.

Declaration of Rights—arguably, his defining contribution to American history—represented a subtle, yet important assault on slavery. While neither the term “slavery,” nor the term “slave trade” appears in Mason’s draft, the institution, as well as the humans-as-international-commodities market represented the target toward which Mason aimed the very first of his enumerated rights.

The Virginia House of Burgesses members, believing George III had subverted their assembly, voted unanimously to dissolve that institution on May 6, 1776. One hundred and thirty members of the dissolved Virginia House reconstituted themselves as a new political entity that same day. The new assembly selected Edmund Pendleton as president and it soon formed a committee of thirty-two—including men such as Archibald Cary (who chaired the committee,) Patrick Henry, Edmund Randolph, James Madison, and George Mason—to develop a bill of rights and a plan of government.<sup>50</sup> Edmund Randolph later noted that,

A very large committee was nominated to prepare the proper instruments, and many projects of a bill of rights and constitution, discovered the ardor for political notice, rather than a ripeness in political wisdom. That proposed by George Mason swallowed up all the rest, by fixing the grounds and plan, which after great discussion and correction, were finally ratified.<sup>51</sup>

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<sup>50</sup> George Bancroft, History of the United States of America: From the Discovery of the Continent, The Author’s Last Revision, 6 vols. (New York: D. Appleton and Company, 1896): IV, 412 and 414-415.

<sup>51</sup> Edmund Randolph, “Edmund Randolph’s Essay on the Revolutionary History of Virginia (1774-1782),” The Virginia Magazine of History and Biography 44, no. 1 (1936) 44.

Lest one think of Mason as some flaming late eighteenth-century liberal, consider that his property-owning requirement for the franchise kept power in the hands of less than one-tenth of one percent of the Virginia populous. See Willard Sterne Randall, Thomas Jefferson: A Life (New York: Henry Holt and Company, 1993), 268.

The large committee had failed to impress Mason, who on May 18, 1776—the day of his arrival in Williamsburg—wrote Richard Henry Lee: “The Committee ... is, according to Custom, overcharged with useless Members.”<sup>52</sup> Therefore, taking the lead, and likely solitary, role as a member of a drafting committee, Mason composed the initial draft of the Virginia Declaration of Rights, around May 20-26, 1776, that contained the following first article,

That all Men are born equally free and independant, and have certain inherent natural Rights, of which they can not by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursuing and obtaining Happiness and Safety.<sup>53</sup>

The drafting committee’s revisions, dated May 27, 1776, to Mason’s initial draft of the Virginia Declaration of Rights, left Mason’s first article essentially unchanged, save for spelling, capitalization, and punctuation changes,

That all men are born equally free and independent, and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.<sup>54</sup>

In the final version of the Virginia Declaration of Rights, dated and adopted June 12, 1776, the first of Mason’s enumerated rights might appear to have changed only slightly, but indeed, the proviso changed dramatically, at least as far as how it related to slaves,

That all men are by nature ~~born~~ equally free and independent, and have certain inherent natural rights, of which, when they enter into a state of

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<sup>52</sup> Mason, Papers, I: 271-272.

<sup>53</sup> *Ibid.*, I: 276-277 and 279.

<sup>54</sup> *Ibid.*, I: 282-283.

society, they cannot, by any compact, deprive or divest their posterity; namely, among which are, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.<sup>55</sup>

The critical portion of the first article relating to slavery lies in the difference between Mason's draft "that all men are born free and equal" and the actually adopted Virginia Declaration of Rights' "all men are by nature equally free and independent ... when they enter into a state of society." Since, in Virginia, slaves, who were widely regarded as property, had not entered into a state of society—the then exclusive preserve of whites—the final adopted version Virginia Declaration of Rights dodged the conundrum of man's rights and slavery.<sup>56</sup> Apparently, it was Edmund Pendleton, who suggested the compromise solution, "when they enter into a state of society," that allowed the Declaration of Rights to accommodate both white freedom and black slavery.<sup>57</sup>

Edmund Randolph's first hand account provides clear evidence that Mason, as well as the drafting Committee that let stand his first article, had stepped outside the bounds of acceptable "rights,"

The declaration in the first article in the bill of rights, that all men are by nature equally free and independent, was opposed by Robert Carter Nicholas, as being the forerunner of pretext or civil convulsion. It was answered, perhaps with too great an indifference to futurity, and not without inconsistency, that with arms in our hands, asserting the general rights of man, we ought not to be too nice and too much restricted in the delineation of them; but that slaves not being constituent members of our society could never pretend to any benefit from such a maxim.<sup>58</sup>

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<sup>55</sup> Ibid., I: 287.

<sup>56</sup> Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997), 193.

<sup>57</sup> Mason, *Papers*, I: 289.

<sup>58</sup> Randolph, "Edmund Randolph's Essay on the Revolutionary History of Virginia," 45.

If the Virginia Declaration of Rights' first tenet had been left unmodified and as Mason had initially proposed it, Virginians' might well have been forced to confront slavery nearly a century before they actually did so. Within a decade of the issuance of the Virginia Declaration of Rights, several slaves in Massachusetts won their freedom relying on Massachusetts' Bill of Rights provision that "all men are born free and equal." Indeed, some half-century later, in 1836, a Massachusetts Supreme Judicial Court ruled that those very words alone contained in the 1780, Massachusetts' Bill of Rights' represented an adequate basis for terminating slavery in the Bay State.<sup>59</sup>

In constructing the Virginia Declaration of Rights, Mason clearly utilized a number of historical documents, including the Magna Carta, and the Petition of Rights, as well as the Bill of Rights of 1689.<sup>60</sup> Surely, Mason also consulted the works of Baron de Montesquieu, Algernon Sydney, and John Locke.<sup>61</sup> Nevertheless, Mason augmented the precepts of such worldly political treatises with other rights that had only been hinted at, such as freedom of the press and religious toleration.<sup>62</sup> Perhaps, Mason's draft of that critical first article was most influenced by the 1720 Cato's Letters, a series of newspaper essays printed in England and reprinted in America,<sup>63</sup> which proclaimed, "All Men are born free; Liberty is a Gift which they receive from God himself." Ducking the slavery-related controversy likely to accompany Mason's version of the first article, the final

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<sup>59</sup> Maier, American Scripture, 165, 193.

<sup>60</sup> Samuel Eliot Morison, "Prelude to Independence: The Virginia Resolutions of May 15, 1776," The William and Mary Quarterly (3<sup>rd</sup> Series) 8, no. 4 (1951): 489-490.

<sup>61</sup> Rowland, George Mason, I: 239

<sup>62</sup> Morison, "Prelude to Independence," 489-490 and Maier, American Scripture, 126-127.

<sup>63</sup> Maier, American Scripture, 128.

version of the first article of the Virginia Declaration of Rights leaned more toward John Locke's Second Treatise on Civil Government, in which he claimed, "That all men by nature are equal."<sup>64</sup>

Mason's draft of the Virginia Declaration of Rights exerted far-reaching influence, both in America and across the Atlantic. Beginning with Pennsylvania, later in 1776, and ending with Massachusetts in 1780, eight states utilized Mason's Declaration of Rights as a model for developing preambles to their state constitutions.<sup>65</sup> Pauline Maier, who painstakingly researched the making of the Declaration of Independence, found that Thomas Jefferson likely adapted much of Mason's original draft of the Declaration of Rights in drafting the Declaration of Independence. Maier explained that educated persons of Jefferson's era regarded originality in such matters with disdain. Instead, adapting and expanding others' works toward solving a new problem was more highly valued.<sup>66</sup> Moreover, Mason's draft Declaration of Rights served as a far more determinative work in impacting revolutionary states' bills of rights than did Jefferson's Declaration of Independence. Not a single state bill of rights of the era contained Jefferson's "all men are created equal," while several followed a close approximation of the original Mason draft.<sup>67</sup> Moreover, France's *De'claration des droits de l'homme et du citoyen*, as adopted by the National Assembly in 1789, endorsed

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<sup>64</sup> Mason, Papers, I: 279.

<sup>65</sup> *Ibid.*, I: 276.

<sup>66</sup> Maier, American Scripture, 104.

Although the Committee version of the Virginia Declaration of Rights had been published in the Pennsylvania Evening Post on June 6, 1776, the extent to which Jefferson relied on that draft or possibly even Mason's original draft while crafting the Declaration of Independence is not definitively known. See *Ibid.*, 268.

<sup>67</sup> *Ibid.*, 165, 167, and 193.

Mason's original Declaration of Rights language—the French document held that, “Men are born and remain free and equal in rights.”<sup>68</sup>

Mason was not especially impressed with the changes made to his document. In a letter, dated October 2, 1778, addressed to “My Dear Sir,” (possibly a member of the Robert Brent family,) Mason wrote,

To shew you that I have not been an idle Spectator of this great Contest, and to amuse you with the Sentiments of an old Friend upon an important Subject, I inclose you a Copy of the first Draught of the Declaration of Rights, just as it was drawn by me, & presented to the Virginia Convention, where it received few Alterations, some of them I think not for the better; this was the first of the kind upon the Continent, and has been closely imitated by all the other States.<sup>69</sup>

Whether Mason regarded the specific changes forged upon his first article as “not for the better” is not known.

### **A Bill for the Manumission of a Certain Slave (June 1779)**

Mason sponsored a June 1779 resolution in the Virginia House for the public-borne compensated emancipation of a slave named Kitt, as reward for Kitt's “first discovery” of a counterfeiting ring operating in Brunswick, County. Fearing likely retribution against Kitt, the Virginia House, on December 10, 1778, provided for sequestering Kitt from his master, Hinchia Mabry, until the end of the next term of the assembly. The December resolution specifically directed Mabry to appear on the tenth day of the next Assembly if he chose to contest the slave's emancipation. During early June, a committee of three assembly delegates, including Mason, constructed an emancipation resolution, which passed the assembly and was carried before the senate by

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<sup>68</sup> Ibid., 168. See also Scott, “George Mason: Remarks at the Celebration,” 19.

<sup>69</sup> Mason, *Papers*, I: 434 and 438.



George Mason. The bill's principal author typically performed such personal transmittal of resolutions. Both the committee resolution and the final bill provided one thousand pounds compensation to Mabry as consideration for Kitt. The final bill, entitled "A Bill for the Manumission of a Certain Slave," read as follows,

Whereas a negro man slave named Kitt, the property of a certain Hinchia Mabry of the county of Brunswick, hath lately rendered meritorious service to this commonwealth, in making the first information and discovery against several persons concerned in counterfeiting money, whereby so dangerous a confederacy has been in some measure broken, and some of the offenders have been discovered and brought to trial; and it is judged expedient to manumit him for such service; *Be it therefore enacted by the General Assembly*, That the said Kitt be, and he is hereby declared to be emancipated and set free; any law or usage to the contrary notwithstanding, *And it is farther enacted*, That the treasurer of this commonwealth may, and he is hereby required to pay to the said Hinchia Mabry, on producing the auditors warrant, which they are hereby directed to grant, the sum of one thousand pounds out of the publick treasury, as a full compensation for the said slave.<sup>70</sup>

His role in Kitt's emancipation does not provide much in the way of evidence regarding Mason's predilection either for or against slavery. First, Mason had been directed by the House of Delegates to take the actions that he did; second, he served as but one member of a committee of three assembly delegates charged with achieving Kitt's manumission;<sup>71</sup> third, though he carried forward the resolution, his specific role in the resolution's development is not definitively known; and fourth, and perhaps most importantly, Kitt's service to Virginia was too important to ignore simply because he was a slave. At the time, counterfeiting represented a ubiquitous problem and one that was having disastrous effects on the state and continental treasuries. Kitt's information

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<sup>70</sup> Mason, Papers, I: 456-457 and II: 517 and 521-522.

<sup>71</sup> Mason, Papers, II: 517.

apparently was so important to the arrest and conviction of the counterfeiters that the will of the House of Delegates was to reward Kitt. Therefore, Mason and the other two committee members were merely carrying out the will of the House of Delegates.

Mason remained active in the public arena during the late 1770s,<sup>72</sup> but he retired from legislative politics near the conclusion of the Revolutionary War,<sup>73</sup> not to return until 1785. That year, Mason attended the Mount Vernon Conference in an attempt to resolve interstate commercial disputes between Virginia and Maryland.<sup>74</sup> The Mount Vernon Conference served as the forerunner to the September 1786, Annapolis Convention, to which Mason was elected, but was unable to attend. That latter convention resulted in the May 1787, assembly in Philadelphia for the purpose of modifying the Articles of Confederation.<sup>75</sup>

At least one event of note relating to Mason and slavery occurred during these years just preceding the Constitutional Convention. Daniel Roberdeau, who moved to Alexandria after the Revolutionary War, was a successful Philadelphia merchant, a member of the Continental Congress, a Revolutionary War general, and a man of apparently deep religious convictions, who circulated a petition in Fairfax County, Virginia, that called on the Virginia Assembly to pursue the abolition of slavery

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<sup>72</sup> "Dictionary of American Biography. 1961 ed. s.v. "Mason, George."

<sup>73</sup> American National Biography. 1999 ed. s.v. "Mason, George."

<sup>74</sup> Dictionary of American Biography. 1961 ed. s.v. "Mason, George."

<sup>75</sup> Copeland and Macmaster, The Five George Masons, 227; Mason, Papers, I: cxx-cxxi; and U. S. National Archives & Records Administration, "George Mason, Virginia," n.d., <[http://www.archives.gov/exhibit\\_hall/charters\\_of\\_freedom/constitution/virginia.html](http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/virginia.html)> (15 January 2003).

immediately.<sup>76</sup> Remarkably, Mason, a notable Virginia politician, a political titan in Fairfax County, and a supposed avowed opponent of slavery, did not sign Roberdeau's petition.<sup>77</sup>

Thus, up to the Constitutional Convention, Mason's record on slavery—at least within the public realm—represented a sustained, apparently deep, albeit somewhat inconsistent, assault on that institution. Henceforth, his public record on slavery would become far more discordant.

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<sup>76</sup> Paul H. Smith, ed. Letters of Delegates to Congress 1774-1789 (Washington: Library of Congress, 1976-1998), 1: 35.

<sup>77</sup> Copeland and Macmaster, The Five George Masons, 166.

## Chapter IV

### **“George Mason: His Public Record and Slavery—The Constitutional Period”**

While Washington protested others’ pleas for his public service only to eventually acquiesce, Mason remained throughout his life a true “reluctant statesman.”<sup>1</sup> With his 140 some-odd mile journey to Philadelphia in 1787, Mason took the longest trek of his life.<sup>2</sup> Mason arrived in Philadelphia as a Virginia delegate to the Constitutional Convention on Thursday, May 17, 1787, and as evidenced by a June 1, 1787, letter to his eldest son, Mason—at least during the Convention’s early days—stood awestruck by the arduous task that lay ahead,

The Eyes of the United States are turn’d upon this Assembly, & their Expectations raised to a very anxious Degree. May God grant we may be able to gratify them, by establishing a wise & just Government. For my own Part, I never before felt myself in such a Situation; and declare I wou’d not, upon pecuniary Motives, serve in this Convention for a thousand pounds per Day. The Revolt from Great Britain, & the Formations of our new Governments at that time, were nothing compared with the great Business now before us.”<sup>3</sup>

In spite of a dread of public speaking that, by one account, sometimes caused Mason to nearly faint, he is generally acknowledged as one of the most frequent speakers

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<sup>1</sup> Robert Rutland titled his brief 1961 biography of Mason, “George Mason: Reluctant Statesman.” See Robert A. Rutland, George Mason: Reluctant Statesman (Baton Rouge: Louisiana State University Press, 1961).

<sup>2</sup> George Mason, The Papers of George Mason, 1725-1792, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), I: cxxi.

<sup>3</sup> Max Farrand, ed., The Records of the Federal Convention of 1787 rev. ed. in 4 vols. New Haven and London: Yale University Press, 1966), III: 32.

during the course of the Constitutional Convention.<sup>4</sup> Clinton Rossiter, a leading twentieth-century Constitutional historian, described Mason as “... unhappily a non-signer, but always a faithful, industrious, honest exponent of old-fashioned republicanism.”<sup>5</sup>

According to Madison, during debate on July 11, 1787, to resolve the seemingly intractable matter of representation, Mason opposed a motion intended to count slaves as equal to whites in legislative apportionment,

Mr. Mason, could not agree to the motion, notwithstanding it was favorable to Virga. because he thought it unjust. It was certain that the slaves were valuable, as they raised the value of land, increased the exports & imports, and of course the revenue, would supply the means of feeding & supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects they were useful to the community at large, they ought not be excluded from the estimate of Representation. He could not however regard them as equal to freeman and could not vote for them as such. He added as worthy of remark, that the Southern States have this peculiar species of property, over & above the other species of property common to all the States.<sup>6</sup>

In this speech, Mason demonstrates he was not atypical of his ruling class. He evinced the positive aspects of slavery, at least for the white planters, and he refused to even consider recognizing blacks as equal to whites, even though it would have benefited Virginia regarding representation. In these scant few words, Mason eviscerated the idealism of his Virginia Declaration of Rights.

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<sup>4</sup> Alf J. Mapp, Jr., The Faith of Our Fathers: What America's Founders Really Believed (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2003), 111.

<sup>5</sup> Clinton Rossiter, “The Constitution Was Created by the Genius of the Framers,” in The Creation of the Constitution: Opposing Viewpoints, ed. William Dudley. (San Diego: Greenhaven Press, Inc., 1995), 263.

<sup>6</sup> Mason, Papers, III: 923-924.

Any substantive text concerning Mason will cite his August 22, 1787, Convention speech, which represented, arguably his strongest denunciation of both the slave trade and slavery. Nevertheless, Mason's words do not provide a definitive indication as to the particular manifestation(s) of slavery that he found so problematic. As recorded by Madison, Mason made the following points,

This infernal traffic originated in the avarice of British Merchants. The British Govt. constantly checked the attempts of Virginia to put a stop to it. The present question concerns not the importing States alone but the whole Union. The evil of having slaves was experienced during the late war. Had slaves been treated as they might have been by the Enemy, they would have proved dangerous instruments in their hands. But their folly dealt by the slaves, as it did by the Tories. He mentioned the dangerous insurrections of the slaves in Greece and Sicily; and the instructions given by Cromwell to the Commissioners sent to Virginia, to arm the servants & slaves, in case other means of obtaining its submission should fail. Maryland & Virginia he said had already prohibited the importation of slaves expressly. N. Carolina had done the same in substance. All this would be in vain if S. Carolina & Georgia be at liberty to import. The Western people are already calling out for slaves for their new lands; and will fill that Country with slaves if they can be got thro' S. Carolina & Georgia. Slavery discourages arts & manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really enrich & strengthen a Country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a Country. As nations can not be rewarded or punished in the next world they must be in this. By an inevitable chain of causes & effects providence punishes national sins, by national calamities. He lamented that some of our Eastern brethren had from a lust of gain embarked in this nefarious traffic. As to the States being in possession of the Right to import, this was the case with many other rights, now to be properly given up. He held it essential in every point of view, that the Genl. Govt. should have power to prevent the increase of slavery.<sup>7</sup>

According to Madison's account of that day's debates, Connecticut Constitutional delegate, Oliver Ellsworth immediately countered Mason's argument,

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<sup>7</sup> Farrand, Records of the Federal Convention, II: 370.



As he had never owned a slave could not judge of the effects of slavery on character. He said however that if it was to be considered in a moral light we ought to go farther and free those already in the Country. -- As slaves also multiply so fast in Virginia & Maryland that it is cheaper to raise than import them, whilst in the sickly rice swamps foreign supplies are necessary, if we go no farther than is urged, we shall be unjust towards S. Carolina & Georgia -- Let us not intermeddle. As population increases; poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our Country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts. As to the danger of insurrections from foreign influence, that will become a motive to kind treatment of the slaves.<sup>8</sup>

Mason offered no rebuttal to Elsworth, who had quite cogently seized upon the weakness of Mason's position as an honest broker on the slavery and slave trade issues. Certainly, Mason extolled slavery's evil nature and its impact on white society, but so long as he sought to limit only slavery's proliferation, not its abolition, Mason, as a well-healed slave owner, lacked any meaningful credibility on those issues.

Mason's arguments against the slave trade that day in late August 1787 were reminiscent of those raised by William Byrd II of Westover a half-century earlier. Writing in July 1736, to John Percival, Earl of Egmont, (James Oglethorpe's partner in the founding of Georgia) Byrd concluded, in part,

They [slave traders] import so many negro's hither, that I fear this Colony [Virginia] will sometime or other be confounded by the name of New Guinea. I am sensible of many bad consequences of multiplying these Ethiopians amongst us. They blow up the pride, & ruin the Industry of our White People, who Seeing a Rank of poor Creatures below them, detest work for fear it should make them look like Slaves. Then that poverty which will ever attend upon Idleness, disposed them, as much to pilfer as it does the Portuguese, who account it much more like a gentleman to steal, than to dirty their hands with Labour of any kind. Another unhappy Effect of many Negroes is, the necessity of being severe. Numbers make them insolent & foul Means must do what fair will not. ... And in case there should arise a Man of desperate courage amongst us, exasperated by a desperate fortune, he might with more advantage than Cataline kindle a

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<sup>8</sup> Farrand, Records of the Federal Convention, II: 370-371.

Servile War. ... It were there-fore, worth the consideration, of a British Parliament, My Lord, to put an end, to this unchristian Traffick, of making Merchandise of our Fellow Creatures. At Least, the farther importation of them, into our Colonys, should be prohibited, lest they prove as troublesome, & dangerous every where, as they have been lately in Jamaica, where besides a vast expence of money, they have cost the lives of many of his majesty's Subjects.<sup>9</sup>

In both Byrd's and Mason's cases, the arguments focus upon fear of the undermining effects of slavery, not on the slaves, but rather on white society and its functioning.

Mason's statement that "every master of slaves is born a petty tyrant" is nonetheless an important self-acknowledgement as to his own culpability in the problem.

After the general debates on August 22, 1787, the Convention punted to a committee of eleven the "whole subject" of the slave trade and the navigation acts. Madison, not Mason, served as Virginia's delegate on that committee. Two days later, the committee of eleven reported back with its compromise. The northern states acquiesced on slave trading—protecting the slave trade until 1800—while the southern states conceded on the navigation acts—permitting passage of navigation acts without requiring congressional super majorities. The northern states feared the southern states would break from the union without a Constitutional protection of slavery, and the southern states reasoned that the navigation acts would not long be used against them since westward expansion would shift the political center of gravity away from the northern seaboard. After extending the permissible slave trade period from 1800 to 1808,

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<sup>9</sup> William Byrd, "Letters of the Byrd Family," The Virginia Magazine of History and Biography 36, no 3. (1928): 219-222.

along with other minor changes, the full Convention approved the committee of eleven's compromise on August 29, 1787.<sup>10</sup>

Clearly a contrived bargain, in the Commerce and Slave Trade Compromise the delegates forged an alliance of disparate interests. Madison had suspected from the outset of the Convention that the contesting factions would be the northern states and the southern states, not the large states and the small states. While that often proved to be the case, in the debate on slave trade there was no neat, easily explained divide.<sup>11</sup> Among the southern states, Virginia and Maryland enjoyed a surplus of slaves and wanted the foreign slave trade ended. Based upon the basic economic law of supply and demand, the closing of the slave trade would drive up the value of Virginia and Maryland slaveholders' slaves. Conversely, in the Deep South, Lord Cornwallis' southern military campaigns had diminished the slave populations of Georgia, South Carolina, and North Carolina, and consequently, those states needed the foreign slave trade to remain open.<sup>12</sup> Having experienced the devastating impact of the British Navigation Acts and the impact of the British middlemen on their profits, Southerners in general, and Mason in particular, were especially sensitive to the means by which navigation legislation was to be effectuated. They reasoned that if the Congress could pass a navigation act without a super majority in Congress, Northern states might ally to control American shipping and

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<sup>10</sup> Clinton Rossiter, 1787: The Grand Convention (New York: The Macmillan Company, 1966), 216-217.

<sup>11</sup> Ibid., 21.

<sup>12</sup> Kaminski, A Necessary Evil, 157-158.

According to William W. Freehling: "The desire of Virginia slaveholders to keep slave prices high no doubt helped feed the abolition of the trade..." See William W. Freehling, "The Founding Fathers and Slavery" American Historical Review 71 (1972): 89.

cost Southern interests through protective tariffs.<sup>13</sup> Nathaniel Gorham, a Massachusetts delegate, did nothing to assuage Mason's concerns when Gorham, in an impolitic comment, reminded delegates "the Eastern States had no motive to Union but a commercial one."<sup>14</sup>

Two days after the August 29, 1787, convention agreement to the Commerce and Slave Trade Compromise, Mason expressed vividly his disapproval of the Constitution's then current condition. In response to a motion by Elbridge Gerry to postpone placing the Constitution before Congress for approbation by the states, the record shows,<sup>15</sup>

Col: Mason 2ded. the motion, declaring that *he would sooner chop off his right hand* [emphasis added] than put it to the Constitution as it now stands. He wished to see some points not yet decided brought to a decision, before being compelled to give a final opinion on this article. Should these points be improperly settled, his wish would then be to bring the whole subject before another general Convention.<sup>16</sup>

It is noteworthy that within a span of less than two months, Mason's view of the Convention's mission and its work had undergone an extreme metamorphosis. The same George Mason who as of August 31, 1787, declared he would "sooner chop off his right hand than put it to the Constitution as it now stands," offered a far different perspective fifty-eight days earlier. As recorded by Madison, in an appeal for accommodation on July 5, 1787, Mason personalized his message to his fellow delegates,

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<sup>13</sup> Forrest McDonald, Novus Ordo Seclorum: The Intellectual Origins of the Constitution (Lawrence: University Press of Kansas, 1985), 105-106.

<sup>14</sup> Robert A. Rutland, The Ordeal of the Constitution: The Antifederalists and the Ratification Struggle of 1787-1788 (Norman: University of Oklahoma Press, 1966), 13.

<sup>15</sup> Kate Mason Rowland, The Life of George Mason, 1725-1792, 2 vols. (New York and London: G.P. Putnam's Sons, 1892), II: 166.

<sup>16</sup> Mason, Papers, III: 973-974.

...It could not be more inconvenient to any gentleman to remain absent from his private affairs, than it was for him: but *he would bury his bones in this City* [emphasis added] rather than expose his Country to the Consequences of a dissolution of the Convention without any thing being done.<sup>17</sup>

Such a radical shift in Mason's views in such a short period of time is instructive not as to the level of his commitment to transforming the government, but as to the level of his disgust at the path that transformation had taken.

A disinterested account of Mason during at least part of the Convention can be gained from the delegate sketches of a Georgia Constitutional delegate. During his time at the Convention, which ran just over a month, from May 31, through July 1, 1787—William Leigh Pierce, a man of some 47 years of age in 1787, wrote what he entitled “Characters in the convention of the States held at Philadelphia, May, 1787.”<sup>18</sup> Pierce's short account of George Mason testified to the Virginian's abilities, principles, and maturity,

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<sup>17</sup> Mason, Papers, III: 290.

<sup>18</sup> Farrand, Records of the Federal Convention, III: 87-97.

Pierce's pithy sketches cover all fifty-five delegates to the Constitutional Convention except William Churchill Houston, of New Jersey, and John Francis Mercer, of Maryland. Pierce often noted the delegates' ages, backgrounds, education, and personal characteristics. In nearly all his profiles, Pierce focused inordinately upon the delegates' oratorical skills, or lack thereof. In most aspects of his character sketches, detractive comments are generally counterbalanced with mention of delegates' positive attributes. His sketches are quite valuable to historians, particularly with regard to some of the more obscure Convention delegates. See Max Farrand, The Framing of the Constitution of the United States (New Haven: Yale University Press, 1913), III: 94; Farrand, Framing of the Constitution, 27; Rossiter, 1787, 136 and 143; Forrest McDonald, We the People: The Economic Origins of the Constitution (Chicago: University of Chicago Press, 1958), 84-85; and American National Biography, 1999 ed. s.v. “William Leigh Pierce.”

Houston may have attended as early as May 25, 1787, but was absent after June 5, 1787, and Mercer first attended the Convention on August 6, 1787, well after Pierce had departed Philadelphia in early July. See Farrand, Records of the Federal Convention, III: 588-589.

A photocopy of the manuscript volume of Pierce's notes and character sketches resides at the Filson Club in Louisville, Kentucky. See American National Biography, 1999 ed. s.v. “William Leigh Pierce.”

Mr. Mason is a Gentleman of remarkable strong powers, and possesses a clear and copious understanding. He is able and convincing in debate, steady and firm in his principles, and undoubtedly one of the best politicians in America. Mr. Mason is about 60 years old, with a fine strong constitution.<sup>19</sup>

Pierce's sketches provide nothing to indicate that Mason's irascible nature was on display in Philadelphia. Further, Mason's oft cited detestation of committee deliberations had either not surfaced, or at least it had not drawn the attention of the Georgia delegate scribe. Since Pierce left the Convention just after July 1, 1787,<sup>20</sup> not to return, historians are left to speculate as to how his account of Mason might have changed as a result of the late August deliberations over the Commerce and Slave Trade Compromise.

As recorded by James Madison, even on September 15, 1787, the penultimate work session of the Constitutional Convention, Mason was still working feverishly to undermine the Constitutional provision relating to navigation legislation,

Col: Mason expressing his discontent at the power given to Congress by a bare majority to pass navigation acts, which he said would not only enhance the freight, a consequence he did not so much regard—but would enable a few rich merchants in Philad<sup>a</sup> N. York & Boston, to monopolize the Staples of the Southern States & reduce their value perhaps 50 Per C<sup>t</sup>—moved a further proviso 'that no law in nature of a navigation act be passed before the year 1808, without the consent of 2/3 of each branch of the Legislature.'<sup>21</sup>

Mason's motion failed on a 7-to-3 vote, with only Maryland and Georgia voting in the affirmative with Virginia. Notably, South Carolina voted against Mason's motion—apparently her delegates felt compelled to remain loyal to the compromise forged earlier

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<sup>19</sup> Farrand, Records of the Federal Convention, III: 94.

<sup>20</sup> *Ibid.*, III: 589.

<sup>21</sup> James Madison, "Debates in the Federal Convention of 1787," in Documents Illustrative of the Formation of the Union of the American States, ed. Charles C. Tansill. (Sixty-ninth Congress, First Session, House Document No. 398. Government Printing Office. 1927), 736.



with the Northern and Eastern states. Equally as notable, however, are Mason's efforts during the waning days of the Convention directed against the "Commerce" aspects of the Commerce and Slave Trade Compromise, and not against the "Slave Trade" portion thereof.

Although it left regulation of slavery under the purview of the individual states, the Constitution gave the slaveholding states added power by counting a slave as three-fifths of a freeman; it provided that runaway slaves would be returned to their owners, including across state lines, and it avoided any censure of the slave trade for at least twenty years.<sup>22</sup> While neither the term "slavery" nor the term "slave trade" were found in the Constitution until Georgia's ratification of the Thirteenth Amendment to the United States Constitution on December 6, 1865,<sup>23</sup> the original national document contains at least three implicit sanctions of the institution. Those references include Article I, Section 2, Clause 3, providing that representation "shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons," Article I, Section 9, Clause 1, prohibiting Congress from banning the slave trade prior to 1808; and Article IV,

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<sup>22</sup> Paul Johnson, *A History of the American People* (New York: HarperCollins Publishers, 1997), 188 and James Oliver Horton and Lois E. Horton, *Hard Road to Freedom: The Story of African Americans* (New Brunswick, N. J.: Rutgers University Press, 2001), 80.

<sup>23</sup> The entire text of the Thirteenth Amendment reads as follows: "Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Section 2. Congress shall have power to enforce this article by appropriate legislation." See National Archives, "Constitution of the United States: Amendments 11-27," n.d., <[http://www.archives.gov/national\\_archives\\_experience/charters/constitution\\_amendments\\_11-27.html](http://www.archives.gov/national_archives_experience/charters/constitution_amendments_11-27.html)> (2 September 2004).

Section 2, Clause 3, prohibiting states from manumitting slaves and requiring the return of fugitive slaves to their owners upon demand.<sup>24</sup>

The Constitutional Convention concluded on September 17, 1787, with all delegates then in Philadelphia signing the finished document except Massachusetts delegate, Elbridge Gerry, and Virginia delegates, Edmund Randolph and, of course, George Mason. Of Virginia's seven delegates, only John Blair, James Madison, and George Washington signed the completed Constitution; James McClurg and George Wythe departed the Convention early, and Mason and Randolph refused to sign the finished document.<sup>25</sup>

After the Convention, Mason became the target of a number of Federalist attacks in the newspapers—most were political, but some were of a personal nature.<sup>26</sup> Most likely, Mason's wounded pride, resulting from the treatment he endured subsequent to

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<sup>24</sup> In their entirety, the referenced clauses of the Constitution read as follows:

**Article I, Section 2, Clause 3:** *Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.* (The previous sentence was superseded by [Amendment XIV](#)). The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

**Article I, Section 9, Clause 1:** The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importations, not exceeding 10 dollars for each person.

**Article IV, Section 2, Clause 3:** No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom *such service or labour may be due*. (The final clause was superseded by the Thirteenth Amendment.) See The Avalon Project at Yale Law School, "Constitution of the United States," 2004, <<http://www.yale.edu/lawweb/avalon/usconst.htm>> (29 September 2004).

<sup>25</sup> Paul H. Smith, ed. *Letters of Delegates to Congress 1774-1789* (Washington: Library of Congress, 1976-1998), 24: 436.

<sup>26</sup> Mason, *Papers*, III: 1047.

the Philadelphia Convention, played a major role in his tactics and actions following the Convention's conclusion. After all, this man, who preferred to work outside the committee system and who gave Virginia what was inarguably a lasting revolutionary political treatise in the form of the Virginia Declaration of Rights, surely did not believe he had lost his preeminence of thought. The transition in Mason's attitude toward the evolving Federal Constitution during the final weeks of the Convention clearly indicates a man frustrated at having been on the losing side of far too many issues.

Mason initially set down his list of objections to the Constitution (see Appendix V) on the verso of a September 12, 1787, draft of the Constitution, and Rutland hypothesizes he likely initially recorded those concerns on September 16, 1787.<sup>27</sup> Mason sent variant versions of his "objections" to several persons prior to its publication in pamphlet form. The original draft ended with his slave trade objections, while the later printed versions ended, instead, with the penultimate paragraph of the original draft.<sup>28</sup> Mason's objection to the slave trade, in its entirety, read,

The general legislature is restrained from prohibiting the further importation of slaves for twenty odd years; though such importations render the United States weaker, more vulnerable, and less capable of defence.<sup>29</sup>

The order of Mason's grievances within his "Objections," may have signaled the level of importance he attached to each of his complaints. Some writers have accorded the first-listed lack of a bill of rights as Mason's highest priority objection,<sup>30</sup> and

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<sup>27</sup> Ibid., III: 993.

<sup>28</sup> Farrand, Records of the Federal Convention, II: 637.

<sup>29</sup> Ibid., II: 640.

<sup>30</sup> Carolyn Duval Martin, "George Mason and the Federal Constitution" (M.A. thesis, University of Virginia, 1973), 30.



similarly, one could reasonably allege that placement of the slave trade protection objection as the last of his listed objections demonstrates a lower level of concern for that particular objection.<sup>31</sup> Contrary to such placement considerations, however, one must consider that one of Mason's strongest objections—the lack of a super majority required for passage of navigation and trade laws under the Constitution—is buried in the middle of his list of objections.<sup>32</sup> Indeed, one historian suggests the placement of the slave trade clause/three-fifths compromise as the last of his objections, represents nothing more than Mason's recognition that particular issue would be the least acceptable in largely slave-holding Virginia.<sup>33</sup> Along that same line of reasoning, while it may or may not have been Mason's gravest concern regarding the Constitution, it is clear that the lack of a bill of rights became Mason's more politically plausible argument.<sup>34</sup> In reality, however, the seeding of Mason's concerns cannot be known with any level of assurance.

Regardless of the importance Mason attributed to his individual objections, those objections generated a fair level of consternation among the Federalists—who both questioned Mason's motives and feared the impact of his arguments at the Virginia ratifying convention. Mason's actions and stances during the Convention clearly had annoyed Washington. In a letter written to the General at Mount Vernon, from Gunston Hall, dated October 7, 1787, Mason complained of a poor crop, provided a brief account

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<sup>31</sup> While not the contention of this writer, some might consider the placement of an item last among a list of concerns as actually indicating a *higher* level of importance. This alternative view might cite, for example, President Woodrow Wilson's listing of his desire for a League of Nations as the last of his renowned Fourteen Points. See The Avalon Project at Yale Law School, "President Woodrow Wilson's Fourteen Points," 1997, <<http://www.yale.edu/lawweb/avalon/wilson14.htm>> (30 September 2004).

<sup>32</sup> Mason, Papers, III: 993.

<sup>33</sup> Martin, "George Mason and the Federal Constitution," 30-31.

<sup>34</sup> Mason, Papers, III: 993.

of an accident in which he, Mason, was involved after the Convention, and he enclosed a copy of his Objections to the new Constitution,

I take the Liberty to enclose you my Objections to the new Constitution of Government; which a little Moderation & Temper, in the latter End of the Convention, might have removed. I am however most decidedly of [the] Opinion, that it ought to be submitted to a Convention chosen by the People, for that special Purpose; and shou'd any attempt be made to prevent the calling of such a convention here, such a Measure shall have every Opposition in my Power to give it you will readily observe, that my objections are not numerous...tho' in my Mind, some of then are capital ones.<sup>35</sup>

In his responsive letter to Mason, dated that same day, Washington addressed each of the issues covered in Mason's letter—including measures to deal with the poor crops and his concern for Mason's well-being in connection with the accident. Washington's letter was, however, deafeningly silent on Mason's objections to the Constitution.<sup>36</sup>

Though he apparently remained cordial to Mason, James Madison stirred the questioning of Mason's constitutional stances and his tactics. In an October 18, 1787, letter to Washington, Madison noted: "My memory fails me also if he [Mason] did not acquiesce in if not vote for, the term allowed for the further importation of slaves; and the prohibition of duties on exports by the states."<sup>37</sup> Six days later in a letter to Thomas Jefferson, Madison wrote,

Col. Mason left Philada. in an exceeding ill humor indeed. A number of little circumstances arising in part from the impatience which prevailed towards the close of the business, conspired to whet his acrimony. He returned to Virginia with a fixed disposition to prevent the adoption of the plan if possible. He considers the want of a Bill of Rights as a fatal objection. His other objections are to the substitution of the Senate in

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<sup>35</sup> Ibid., III: 1001-1002.

<sup>36</sup> Ibid., III: 1004-1005.

<sup>37</sup> Smith, *Letters of Delegates to Congress 1774-1789*, 24: 486.

place of an Executive Council & to the powers invested in that body—to the powers of the Judiciary—to the vice President being made President of the Senate—to the smallness of the number of Representatives—to the restriction on the States with regard to ex post facto laws—and most of all probably to the power of regulating trade, by a majority only of each House. He has some other lessor objections. Being now under the necessity of justifying his refusal to sign, he will of course muster every possible one.<sup>38</sup>

Based on the foregoing letter, at least in Madison's view, Mason's objection to the slave trade apparently rested among Mason's other "lesser objections." Whether this categorization (if true) was due to Mason's having failed during the Constitutional proceedings to impress upon Madison his extreme dissatisfaction with the slave trade, or whether it was due to the pro-Constitution Madison playing politics against an opponent of the Constitution, cannot be determined with any reasonable level of certainty.

Writing a December 10, 1787, essay published in the Connecticut Courant, Connecticut Constitutional Convention delegate and later Chief Justice of the United States Supreme Court, Oliver Ellsworth, himself a strong proponent of the finished Constitution, impugned Mason's slave trade objections to the Constitution,

Mr. Mason has himself about three hundred slaves, and lives in Virginia, where it is found by prudent management they can breed and raise slaves faster than they want them for their own use, and could supply the deficiency in Georgia and South Carolina; and perhaps Col. Mason may suppose it more humane to breed than import slaves—those imported having been bred and born free, may not so tamely bear slavery as those born slaves, and from their infancy inured to it; but his objections are not on the side of freedom, nor in compassion to the human race who are slaves ...<sup>39</sup>

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<sup>38</sup> James Madison, The Papers of James Madison, ed. Robert A. Rutland, (Chicago and London: University of Chicago Press, 1977), 10: 215.

<sup>39</sup> John Kaminski, ed., A Necessary Evil? Slavery and Debate Over the Constitution (Madison, WI: Madison House, 1995), 78.



Once again, as he had during the Convention on August 22, 1787, when directly and specifically challenged on his objection—as a slave-owner—to the slave trade, Mason fell mute.

The Federalists remained cautiously optimistic, taking a measure of comfort in the perceived weaknesses of their anti-Constitution opponents. Cyrus Griffin, a delegate to both the Virginia Assembly and the Continental Congress, wrote James Madison on April 14, 1788, congratulating Madison on his election to the Virginian ratifying convention, but also observing: “In point of virtues and real abilities the federal members are much superior. Henry is weighty and powerful but too interested—Mason too passionate—the Governor [Randolph] by nature timid and undecided—and [William] Grayson too blustering.”<sup>40</sup>

In a letter to Jefferson, written at Gunston Hall and dated May 26, 1788, Mason tried to further explain his opposition to the Constitution. He complained especially about the compromise during the last week of the Convention that permitted the southern states to continue slave trade for twenty years in return for those states’ support of the Constitution,

I make no Doubt that you have long ago received Copys of the new Constitution of Government, framed last Summer by the Delegates of the several States, in general Convention, at Philadelphia. Upon the most mature Consideration I was capable of, and from Motives of sincere Patriotism, I was under the Necessity of refusing my Signature, as one of the Virginia Delegates; and drew up some general Objections; which I intended to offer, by Way of Protest; but was discouraged from doing so, by the precipitate, & intemperate, not to say indecent Manner, in which the Business was conducted, during the last Week of the Convention, after the Patrons of this new plan found they had a decided Majority in their Favour, which was obtained by a Compromise between the Eastern, and the two Southern States, to permit the latter to continue the Importation of

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<sup>40</sup> Smith, *Letters of Delegates to Congress 1774-1789*, 25: 53.

Slaves for twenty odd Years; a more favourite Object with them than the Liberty and Happiness of the People.<sup>41</sup>

Once again, Mason's meaning is not clear. To whose *liberty*, as well as to whose *happiness* Mason was referring are not definitively knowable. It is easy—but probably, incorrect—to jump to the conclusion that Mason was referring to slaves' liberty and slaves' happiness. Quite possibly, however, the peeved Mason was more concerned about the potential impact of the navigation acts legislation on the Virginia planters' economic *liberty* from the northern and eastern states, and the *happiness* attending that liberty.

During the last week of December 1787, an amendment to a bill in the Virginia House of Delegates relating to manumitting slaves proposed that slaves so released were to leave the Commonwealth within twelve months of their manumission or face the prospect of being sold at public auction.<sup>42</sup> Mason voted for the measure, which was defeated.<sup>43</sup> Mason, quite likely, still subscribed to the notion propounded by fellow Virginia slave-owning, Landon Carter, who wrote, on July 6, 1776, “if you free the slaves, you must send them out of the country or they must steal for their support.”<sup>44</sup>

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<sup>41</sup> Mason, Papers, III: 1044-1045.

<sup>42</sup> Rowland, George Mason, II: 201

<sup>43</sup> Mason, Papers, III: 1086 and Pamela C. Copeland and Richard K. Macmaster, The Five George Masons: Patriots and Planters of Virginia and Maryland, (Lorton, VA: The Board of Regents of Gunston Hall, 1975), 166.

<sup>44</sup> Edward S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York: W.W Norton & Company, Inc., 1975), 385.

The Virginia ratifying convention—officially “The Debates in the Convention of the Commonwealth of Virginia, on the Adoption of the Federal Constitution”<sup>45</sup>—assembled on June 2, 1788, with Mason representing Stafford County after having outpolled Washington’s friends, Charles Carter and William Fitzhugh.<sup>46</sup> Along with Patrick Henry, Mason was the principal leader of those opposed to Virginia’s unqualified ratification of the Constitution. Historian Gordon Wood found Mason, as an anti-Federalist, not only “socially indistinguishable” from the Federalist leaders, but equally as fearful of democracy.<sup>47</sup>

According to R. Carter Pittman, during the Virginia ratifying convention, Mason introduced a draft bill of rights,<sup>48</sup> on June 11, 1788, which he proposed as amendments to the new Constitution. The declension in Mason’s language from the first article in the 1776, Virginia Declaration of Rights to the first article in the 1788, Bill of Rights is unmistakable. In 1776, Mason had written, “all Men are born equally free and independant, and have certain inherent natural Rights,” but now, in 1788, his view had apparently changed markedly to “all Freemen have certain essential inherent Rights.” In its entirety, the first article of Mason’s 1788 version read,

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<sup>45</sup> Jonathan Elliot, “The Debates in the Several State Conventions on the Adoption of the Federal Constitution: The Debates in the Convention of the Commonwealth of Virginia, on the Adoption of the Federal Constitution, In Convention, Richmond” n.d., <[http://www.constitution.org/fc/rat\\_va\\_01.htm](http://www.constitution.org/fc/rat_va_01.htm)> (4 September 2004).

<sup>46</sup> W. W. Abbott, and Dorothy Twohig, eds., *The Papers of George Washington: Confederation Series* (Charlottesville: University Press of Virginia, 1992-1997), 6: 90.

<sup>47</sup> Gordon S. Wood, “Interests and Disinterestedness in the Making of the Constitution,” in *Beyond Confederation: Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephan Botein, and Edward C. Carter III. (Chapel Hill and London: University of North Carolina Press, 1987), 93.

<sup>48</sup> Joel Lefevre and Joyce Lefevre, “George Mason’s Master Draft of the Bill of Rights.” n.d., <[http://www.constitution.org/gmason/amd\\_gmas.htm](http://www.constitution.org/gmason/amd_gmas.htm)> (8 September 2004).

That all *Freemen* [emphasis added] have certain essential inherent Rights, of which they can not by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of acquiring, possessing and protecting Property, and pursuing and obtaining Happiness and Safety.<sup>49</sup>

Rutland acknowledged this draft bill of rights was the product of the Virginia anti-Federalists, but he maintains that Mason was absent for “some” sessions between June 5 and June 10, 1788, possibly due to illness. Consequently it is not altogether clear to what extent Mason contributed to this version of the bill of rights.<sup>50</sup> Obviously, if Pittman is correct in his assessment as to the authorship of this draft bill of rights, then historians’ claims as to Mason’s liberal views on slavery are seriously compromised.

Even if Mason had no role in the development of the anti-Constitution force’s first article of the proposed bill of rights to the Constitution, his speeches during the ratification debates seem to demonstrate an ambivalence on his part toward slavery. During debates concerning what he considered the Constitution’s supporters’ weakest argument on June 11, 1788, Mason reasoned, in part,

If the objections be removed—if those parts which are clearly subversive of our rights be altered, no man will go further than I will to advance the union. We are told in strong language, of dangers to which we will be exposed unless we adopt this constitution. Among the rest, domestic safety is said to be in danger. This government does not attend to our domestic safety. It authorises the importation of slaves for twenty years, and thus continues upon us that nefarious trade. Instead of securing and protecting us, the continuation of this detestable trade adds daily to our weakness. Though this evil is increasing, there is no clause in the constitution that will prevent the northern and eastern states from meddling with our whole property of that kind. There is a clause to prohibit the importation of slaves after twenty years, but there is no provision made for securing to the southern states those they now possess. It is far from being a desirable property. But it will involve us in great

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<sup>49</sup> Mason, *Papers*, III: 1068.

<sup>50</sup> *Ibid.*, III: 1071.

difficulties and infelicity to be now deprived of them. *There ought to be a clause in the constitution to secure us that property, which we have acquired under our former laws, and the loss of which would bring ruin on a great many people* [emphasis added.]<sup>51</sup>

During a June 17, 1788, speech Mason argued against the slave importation clause contained in the first clause of Article I, Section 9, of the Constitution,

Mr. Chairman—This is a fatal section, which has created more dangers than any other. The first clause, allows the importation of slaves for twenty years. Under the royal government, the evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchants prevented its prohibition. No sooner did the revolution take place, than it was thought of. It was one of the great causes of our separation from Great-Britain. Its exclusion has been a principal object of this state, and most of the states in the union. The augmentation of slaves weakens the states; and such a trade is diabolical in itself, and disgraceful to mankind. Yet by this constitution it is continued for twenty years. As much as I value an union of all the states, I would not admit the southern states into the union, unless they agreed to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the union, And though this infamous traffic be continued, we have no security for the property of that kind which we have already. There is no clause in this constitution to secure it; for they may lay such a tax as will amount to manumission. And should the government be amended, still this detestable kind of commerce cannot be discontinued till after the expiration of twenty years. For the fifth article, which provides for amendments, expressly excepts this clause. I have ever looked upon this as a most disgraceful thing to America. I cannot express my detestation of it. Yet they have not secured us the property of the slaves we have already. So that *‘they have done what they ought not to have done, and they have left undone what they ought to have done’* [emphasis added.]<sup>52</sup>

Clearly in the foregoing speech, he railed against the slave trade, but just as clearly, Mason unequivocally called for his fellow Virginians to protect slavery by appealing to their pecuniary interests in slaves.

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<sup>51</sup> Ibid., III: 1065-1066.

<sup>52</sup> Ibid., III: 1086.

Mason’s quotation in the last sentence is taken from the Anglican Book of Common Prayer. See Ibid., III: 1086.

Later that same day, after the reading of the second, third, and fourth clauses of Article I, Section 9, Mason addressed the matter of discriminatory taxation that he feared would be directed toward slave holdings,

But the general government was not precluded from laying the proportion of any particular state on any one species of property they might think proper. For instance, if 500,000 dollars were to be raised, they might lay the whole of the proportion of the southern states on the blacks, or any one species of property: So that by laying taxes too heavily on slaves, they might totally annihilate that kind of property. No real security could arise from the clause which provides, that persons held to labour in one state, escaping into another, shall be delivered up. This only meant, that run-away slaves should not be protected in other states. As to the exclusion of *ex post facto* laws, it could not be said to create any security in this case. For laying a tax on slaves would not be *ex post facto*.<sup>53</sup>

Mason had simply morphed his declared abhorrence of the continued slave trade into an argument emphasizing that although the Constitution forbade prohibitions against the slave trade for twenty years, the document did not prohibit Congress from exorbitantly taxing slaves to the detriment of slaveholders.<sup>54</sup>

One might reasonably contend that Mason's strong admonishments against the slave trade and possible slave taxes may have been merely his continuing a campaign to "save face" for his decision to not provide his signature to the Constitution the prior September. Regardless of whether such was the case, however, the slave trade and the taxing of slaveholdings represented issues Mason would quite logically use during the late Confederation period to galvanize an assembly of Virginia planters against the new Constitution. Unlike his protests against the slave trade during the prior summer's national convention, made before a relatively diverse—at least geographically and

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<sup>53</sup> Ibid., III: 1087.

<sup>54</sup> Martin, "George Mason and the Federal Constitution," 44-45.



economically diverse—assembly, Mason’s arguments during the June 1788, Virginia ratifying convention were presented essentially to an assembly of his peers. These peers were men who shared not only his state of residence but also his agrarian interests based on tobacco and chattel slavery, and they were men, many of whom owned slaves whose value would almost surely rise if the slave trade were outlawed. Moreover, such increased value of slave holdings might well represent a tempting target for taxing authorities.

Mason’s arguments during the ratifying convention were effective, but those arguments did not change enough delegates’ minds. Victory had been tantalizingly within Mason’s reach, but it remained beyond his grasp. A shift of a mere six votes would have gained Mason a victory, but, instead, Virginia approved the Constitution, without requiring amendments, on June 25, 1788, in an 89-to-79 to vote.<sup>55</sup> Although Virginia’s ratification came after the requisite number of states had already provided approval of the Constitution for nominal ratification, Virginia’s assent was crucial to the viability of the new government. Some contend that if any of the major states—Virginia, Massachusetts, New York, or Pennsylvania—had rejected the Constitution, ratification by the other states would have been pointless.<sup>56</sup> Even in victory, the pro-Constitution forces found foul the tactics employed by Mason and Patrick Henry. Only one day prior to securing Virginia’s assent, Madison informed Jefferson that in order “to gain

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<sup>55</sup> Mason, Papers, III, 270.

<sup>56</sup> Paul Johnson, A History of the American People (New York: HarperCollins Publishers, 1997), 190.

proselytes [Henry and Mason had] “endeavored to turn the influence of your name even against parts of which I knew you approved.”<sup>57</sup>

Just under two years after he left Philadelphia in a huff, and just a little more than three years before his death, the Bill of Rights was concatenated to the Constitution, but both the slave trade and slavery remained alive and thriving in the United States and Mason raised nary a whiff of concern. In a September 8, 1789 letter written at Gunston Hall to Samuel Griffin, a Virginia House member, Mason may have unwittingly disclosed his position on slavery, as well as the slave trade,

I have received much Satisfaction from the Amendments to the federal Constitution, which have lately passed the House of Representatives; I hope they will also pass the Senate. With two or three further Amendments—Such as confining the federal Judiciary to Admiralty & Maritime Jurisdiction, and to Subjects merely federal—fixing the Mode of Elections either in the Constitution itself (which I think wou’d be preferable) or securing the Regulation of them to the respective States—Requiring more than a bare Majority to make Navigation & Commercial Laws, and appointing a constitutional amenable Council to the President, & lodging with them most of the Executive Powers now vested in the Senate—I cou’d chearfully put my Hand & Heart to the new Government.<sup>58</sup>

By not addressing either issue when citing the remaining items he wished to have addressed in an amended Constitution, Mason signaled that the slavery/slave trade issues were merely ancillary, and not central, to his concerns about the Constitution.

As previously noted, Mason’s actions throughout the waning days of the Convention and throughout the Virginia ratifying convention certainly earned Mason Washington’s enmity. In a September 8, 1789, letter to James Craik, Washington wrote,

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<sup>57</sup> Smith, *Letters of Delegates to Congress 1774-1789*, 25: 247.

<sup>58</sup> Mason, *Papers*, III: 1172.

I always expected that the Gentleman whose name you have mentioned [Mason] would mark his opposition to the new government with consistency—Pride on the one hand, and want of manly candor on the other, will not I am certain let him acknowledge an error in his opinion respecting it though conviction should flash on his mind as strongly as a ray of light—If certain characters which you have also mentioned should tread *blindfold* in his steps it would be matter of no wonder to me—They are in the habit of thinking that everything he says and does is right, and (if capable) they will not judge for themselves.”<sup>59</sup>

Charging Mason with “want of manly candor” provides ample evidence of the level of Washington’s annoyance with Mason.

As evidenced by a July 29, 1792, letter to Alexander Hamilton, Washington, who arguably attached greater value to political unity than to political ideas,<sup>60</sup> retained his antipathy towards Mason long after the Convention. Writing less than three months before Mason’s death, George Washington described Mason as “...my neighbor and quandom friend.” (Quandom is a Latin word meaning at one time or formerly.)<sup>61</sup>

Washington, nonetheless, in an August 29, 1791, letter to Anthony Whitting demonstrated his own pragmatic nature. In providing Whitting guidance for the hiring of an overseer at Dogue’s Run, Washington wrote,

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<sup>59</sup> W. W. Abbott, and Dorothy Twohig, eds. The Papers of George Washington: Presidential Series (Charlottesville: University Press of Virginia, 1987-2002), 4: 1-3.

The “certain characters” to which Washington referred were Martin Cockburn and Richard Chichester, both of Fairfax County, both close friends of Mason, and both married to members of Mason’s family. See Abbott and Twohig, The Papers of George Washington, Presidential Series, 3: 529-531.

<sup>60</sup> Helen Hill, George Mason: Constitutionalist. (Cambridge: Harvard University Press, 1938), 31.

<sup>61</sup> Abbott and Twohig, The Papers of George Washington, Presidential Series, 8, 466-469.

Some claim Mason dined with Washington on November 2, 1788, but one writer concluded that Washington consistently referred to Mason as “Colonel Mason,” and that Washington dinner guest, “Mr. George Mason,” that fall evening was actually Mason’s son. See Peter R. Henriques, “An Uneven Friendship: The Relationship Between George Washington and George Mason,” The Virginia Magazine of History and Biography 97, no. 2 (1989): 196.

If Colo. Mason, or Mr. [Richard] Chichester, gives the person who has applied to be Overlooker of that place, a good character, it will be sufficient; as they are proper judges of the requisites, & will not, I dare say, advance through to serve him that are not warranted by facts.<sup>62</sup>

Although Washington and Mason apparently remained personally and politically estranged over the latter's political judgment concerning the Constitution, this brief extract indicates Washington continued to value Mason's judgment concerning the competent operation of a plantation.

Jefferson visited Mason at Gunston Hall on September 30, 1792, a week before Mason's death, and he recorded notes of his conversation with Mason concerning the latter's recollections of the course of the Commerce and Slave Trade Compromise during the Convention. As recorded by Jefferson, Mason recalled,

The constitution as agreed to till fortnight before the convention rose was such a one as he could have set his hand and heart to. 1. The president was to be elected for 7. years, then ineligible for 7. more. 2. Rotation in the senate. 3. A vote of 2/3 in the legislature on particular subjects and expressly on that of navigation. The 3. new Engld. states were constantly with us in all questions (Rho. Isld. not there, and N. York seldom) so that it was these 3. states with the 5. Southern ones against Pennsva. Jersey and Delaware. With respect to the importation of slaves it was left to Congress. This disturbed the 2 Southernmost states who knew that Congress would immediately suppress the importation of slaves. Those 2 states therefore struck up a bargain with the 3. N. Engld. States. If they would join to admit slaves for some years, the 2 Southernmost states would join in changing the clause which required 2/3 of the legislature in any vote. It was done. These articles were changed accordingly, and from that moment the two S. states and the 3 Northern ones joined Pen. Jers. and Del. and made the majority 8. to 3. against us instead of 8. to 3. for us as it had been thro' the whole Convention. Under this coalition the great principles of the Constitution were changed in the last days of the Convention.<sup>63</sup>

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<sup>62</sup> Abbott and Twohig, The Papers of George Washington, Presidential Series, 10: 588-592.

<sup>63</sup> Julian P. Boyd, et al., eds., The Papers of Thomas Jefferson (Princeton: Princeton University Press, 1950-2003), 24: 428-429.

The New England delegates to the committee of eleven that crafted the Commerce and Slave Trade Compromise were John Langdon, a Portsmouth, New Hampshire merchant; Rufus King, a New

Calvin Jillson and Thornton Anderson sought to use modern statistical methods to test Mason's theory, expressed to Jefferson just prior to Mason's death. Jillson and Anderson analyzed the 351 recorded votes taken prior to the Commerce and Slave Trade Compromise and the 218 recorded votes taken after that compromise; they found there had been, indeed, a shift of power to the benefit of the northern states and that the Commerce and Slave Trade Compromise in reality represented an important Convention turning point. Nevertheless, their analysis of the datum indicated the power shift was not consistent—it varied depending upon the particular issue under consideration.<sup>64</sup>

Even as his life darkened, Mason's conversation with Jefferson lends further credence to the notion that it was "the deal"—running counter to his own wishes, and stoking his fears of unholy economic alliances—that prevented Mason from giving his assent to the Constitution. The means for achieving navigation legislation and the southern states' acquiescence to the northern and eastern states on that issue—not the slave trade, and certainly not slavery—underpinned Mason's intransigence on the Constitution.

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York lawyer, who married the daughter of a prominent New York merchant; and William S. Johnson, a Connecticut lawyer. On the issue of slavery, King was decidedly opposed to the institution, while Johnson's wife utilized at least one slave in her household. See Rossiter, 1787, 173 and 216; Smith, Letters of Delegates to Congress, 269-270; and U. S. National Archives & Records Administration, "America's Founding Fathers: Delegates to the Constitutional Convention, Biographical Index of America's Founding Fathers," n.d., <[http://www.archives.gov/national\\_archives\\_experience/charters/constitution\\_founding\\_fathers.html](http://www.archives.gov/national_archives_experience/charters/constitution_founding_fathers.html)> (2 September 2004).

<sup>64</sup> Calvin Jillson and Thornton Anderson, "Realignment in the Convention of 1787: The Slave Trade Compromise," The Journal of Politics 39, no. 3 (1977): 713-715, 727, and 729.

## Chapter V

### “George Mason: His Private Record and Slavery”

Precious little contemporary information exists concerning plantation life at Gunston Hall during Mason’s time there. Writing in the 1820s and early 1830s, Mason’s fourth-born son, John—who some four decades earlier had accompanied Mason to Philadelphia during the Constitutional Convention—recorded what is likely the best—albeit dated, and likely nostalgic—contemporary account of conditions around Gunston Hall during the late eighteenth century.<sup>1</sup>

According to John Mason, his father, utilizing slaves, worked five distinct plantations—four in Virginia and one in Charles County, Maryland—each containing four to five hundred acres, and each worked under the direction of a different overseer.<sup>2</sup> Writing as a septuagenarian, John Mason remembered,

[At Gunston Hall] the west side of the lawn or enclosed grounds was skirted by a wood, just far enough within which to be out of sight, was a little village called Log-Town, so-called because most of the houses were built of hewn pine logs. Here lived several families of the slaves serving about the mansion house; among them were my father’s body-servant James, a mulatto man and his family, and those of several negro carpenters.<sup>3</sup>

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<sup>1</sup> Kate Mason Rowland, *The Life of George Mason, 1725-1792*, 2 vols. (New York and London: G.P. Putnam’s Sons, 1892), I: 100 and 129, and George Mason, *The Papers of George Mason, 1725-1792*, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), I: lxxvii.

See Appendix VI for a more complete account of John Mason’s recollections.

<sup>2</sup> Rowland, *George Mason*, I: 101.

<sup>3</sup> *Ibid.*, I: 100.



Although he benefited handsomely from the tobacco boom of the 1750s that resulted largely from increasing trade with France, at least by the mid-1770s, and likely earlier, Mason had diversified his plantation operations to combat the boom and bust cycles that accompanied tobacco prices. Mason owned several horses, raised cattle, and experimented in raising sheep.<sup>4</sup> Also, around that time, revenues on large plantations were derived increasingly from grain production, as large-scale planters strove to counter diminishing or at least wildly fluctuating tobacco returns.<sup>5</sup> Washington had begun experimenting with wheat in 1760, and wheat was a crop for which the tillable Gunston Hall lands were well suited.<sup>6</sup> One could reasonably speculate that Mason's experimentation with wheat likely mirrored Washington's; however, John Mason's account does not support that contention. According to the younger Mason, "crops [at Gunston Hall] were principally Indian corn and tobacco; the corn for the support of the plantations and the home house, and the tobacco for sale. There was but little small grain made in that part of the country in those days."<sup>7</sup>

Plantations of the Mason era often attempted to control nearly all facets of production and distribution, and in addition to their principal role in planting, slaves were often engaged in trades supporting the large-scale plantations, in order to reduce the

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<sup>4</sup> Pamela C. Copeland and Richard K. Macmaster, The Five George Masons: Patriots and Planters of Virginia and Maryland, (Lorton, VA: The Board of Regents of Gunston Hall, 1975), 95-96 and 106, and Jackson T. Main, "The One Hundred," The Williams and Mary Quarterly (3<sup>rd</sup> Series) 11, no. 3 (1954): 354, 363 and 368-383.

<sup>5</sup> Lorena S. Walsh, "Plantation Management in the Chesapeake, 1620-1820," Journal of Economic History 49, no. 2 (1989): 394 and 396.

<sup>6</sup> Copeland and Macmaster, The Five George Masons, 105.

<sup>7</sup> Rowland, George Mason, I: 101.

planters' heavy dependence on northern colonies, as well as Europe.<sup>8</sup> Such vertical integration of plantation functions had helped to somewhat mitigate the impact of the American Revolutionary War on the Tidewater Virginia plantations.<sup>9</sup> John Mason's account supports that concept,

It was very much the practise with gentlemen of landed and slave estates in the interior of Virginia, so to organize them as to have considerable resources within themselves; to employ and pay but few tradesmen and to buy little or none of the course stuffs and materials used by them, and this practise became stronger and more general during the long period of the Revolutionary War which in great measure cut off the means of supply from elsewhere.<sup>10</sup>

As indicated by John Mason, the breadth of the trades on the Gunston Hall plantations was quite wide,

Thus my father had among his slaves carpenters, coopers, sawyers, blacksmiths, tanners, curriers, shoemakers, spinners, weavers and knitters, and even a distiller. His woods furnished timber and plank for the carpenters and coopers, and charcoal for the blacksmith; his cattle killed for his own consumption and for sale supplied skins for the tanners, curriers, and shoemakers, and his sheep gave wool and his fields produced cotton and flax for the weavers and spinners, and his orchards fruit for the distiller. His carpenters and sawyers built and kept in repair all the dwelling-houses, barns, stables, ploughs, harrows, gates &c., on the plantations and outhouses at the home house. His coopers made the hogsheads the tobacco was prized in and the tight casks to hold the cider and other liquors. The tanners and curriers with the proper vats &c., tanned and dressed the skins as well for upper as for lower leather to the full amount of the consumption of the estate, and the shoemakers made them into shoes for the negroes. A professed shoemaker was hired for three or four months in the year to come and make up the shoes for the white part of the family. The blacksmiths did all the iron work required by the establishment, as making and repairing ploughs, harrows, teeth chains, bolts &c., &c. The spinners, weavers and knitters made all the coarse cloths and stocking used by the negroes, and some of the finer texture

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<sup>8</sup> Leonard Price Stavisky, "Negro Craftsmanship in Early America," The American Historical Review 54, no. 2 (1949): 320.

<sup>9</sup> Stavisky, "Negro Craftsmanship in Early America," 321.

<sup>10</sup> Rowland, George Mason, I: 101.

worn by the white family, nearly all worn by the children of it. The distiller made every fall a good deal of apple, peach and persimmon brandy. The art of distilling from grain was not then among us, and but few public distillers. All these operations were carried on at the home house, and their results distributed as occasion required to the different plantations.<sup>11</sup>

My father kept no steward or clerk about him. He kept his own books and superintended, with the assistance of a trusty slave or two, and occasionally of some of his sons, all the operations at or about the home house above described; except that during the Revolutionary War and when it was necessary to do a great deal in that way to clothe all his slaves, he had in his service a white man, a weaver of the finer stuffs, to weave himself and superintend the black weavers, and a white woman to superintend the negro spinning-women. To carry on these operations to the extent required, it will be seen that a considerable force was necessary, besides the house servants, who for such a household, a large family and entertaining a great deal of company, must be numerous—and such a force was constantly kept there, independently of any of the plantations, and besides occasional drafts from them of labor for particular occasions.<sup>12</sup>

Usually, the slave artisans were also skilled in matters ancillary to their principal trade. For instance, slave blacksmiths were trained—on at least an elementary level—in most facets of iron production. While in some cases, the trade skills learned by slaves on the plantation were transferable to their lives after manumission, freedmen often faced significant adversity from the white tradesmen engaged in the same handiwork. Too, newly freed slaves often learned their training had been only rudimentary.<sup>13</sup>

When attempting to quantify the numbers of slaves imported into the Tidewater Virginia region, as well as trying to determine from whence George Mason and other Tidewater Virginia planters acquired their slaves during the mid-eighteenth century, one

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<sup>11</sup> Ibid., I: 101-102.

<sup>12</sup> Ibid., I: 102.

<sup>13</sup> Stavisky, "Negro Craftsmanship in Early America," 322 and 324-325.

must consider the impact of colonial duties on slave imports. Herbert Klein's study of eighteenth-century slave trade indicated the arrival of only 1,060 imported slaves to the Virginia shore of the Potomac for the *forty-two* years preceding 1769. Similarly, in his study of Virginia slave populations, Allen Kulikoff found that for the nearly two decades from 1748 through 1765, only 569 slaves were imported to the Virginia side of the Potomac. Furthermore, the importation of slaves to Virginia along the Potomac River began to decline after 1765, due to the natural increase of the slave population, combined with farmers converting to wheat from the more labor-intensive tobacco. The Klein and Kulikoff studies indicate an absence of recorded slave ship arrivals during a period of rapid slave population growth, but a period of relatively low natural slave increase. The transporting of slaves a distance of more than fifty miles from the Rappahannock regions of Virginia might possibly account for this counterintuitive result, but divergent duties charged on slave imports by Virginia and Maryland likely represent a more plausible explanation. Indeed, Sweig found that Virginia planters were buying slaves on the Maryland shore and transporting them across the Potomac to Virginia as a money saving measure. Virginia imposed a duty on slaves imported from abroad, however the duty was not assessed on those slaves newly imported to Maryland and purchased there by Virginia planters for their own use. The Virginia duty was not only higher and increased faster than Maryland's "per head" duty, but also the Virginia duty was assessed on an *ad valorem* basis—meaning the more desirable and more expensive adult male slaves bore an even higher relative Virginia duty. The duty difference between the two states was greatest from 1755 to 1761. It is known that George Washington purchased slaves in Maryland in the late 1750s; actually Washington paid John Carlyle, an Alexandria

merchant, to buy slaves for Washington in Maryland. Those slaves were neither transported by Washington, nor purchased for Carlyle's use, so both parties—whether consciously or not—simply disregarded the Virginia slave import duty statute. As far as Mason is concerned, while no conclusive records are available, one can reasonably postulate that Washington's slave purchase methods may be considered characteristic of his neighbors<sup>14</sup> and, quite likely, they pursued common slave acquisition practices.

Mason enjoyed at least one possible family connection for obtaining needed additional slaves. Soon after his marriage to Mary King Barnes, Mason's brother, Thomson, an accomplished British-trained lawyer, moved to Maryland, where Thomson Mason worked for his father-in-law, Colonel Abraham Barnes. Colonel Barnes, who functioned, at least in part, as a large-scale slave merchant during the decade of the 1750s, left the colonies for England in 1761. Thereafter, Thomson Mason served as Barnes' agent in Maryland, where he actively participated in slave trading at least during the early 1760s.<sup>15</sup> Regrettably, the extent to which Thomson Mason may have transacted in slaves on behalf of his brother, George, is not known.

One might contend that Mason, if he truly abhorred slavery, could have utilized indentured servants to run his plantations; however, that thesis falls flat when labor conditions of the day are carefully considered. Plantation owners could not profitably fulfill their labor needs through outright hiring: first, because the supply of poor white English immigrants remained inadequate; second, because the planters generally lacked adequate liquidity to meet a payroll; and third, because both the few new immigrants and

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<sup>14</sup> Donald M. Sweig, "The Importation of African Slaves to the Potomac River, 1732-1772," The William and Mary Quarterly (3<sup>rd</sup> Series) 42, no. 4 (1985): 507-524.

<sup>15</sup> Copeland and Macmaster, The Five George Masons, 110-111.

the newly freed servants were far more interested in the lure of opportunity in the West than in remaining along the Virginia coast as laborers. The case for tenant farming as an alternative to slavery is similarly problematic.

While his use of indentured servants was apparently quite limited, Mason certainly used one such servant to his advantage in the building of his plantation home. At Mason's behest, his brother Thomson Mason—who had just finished studying law in England—secured for his brother, a four-year indenture with William Buckland, an Oxford-born carpenter and joiner, to serve as the principal craftsman during the building of Gunston Hall. Not yet 21 years old at the date of his indenture on August 4, 1755, Buckland had just finished a seven-year joiner apprenticeship with his uncle. The indenture between Buckland and Mason represented a win-win proposition for both parties. In Buckland, Mason secured the services of an accomplished carpenter and joiner, and through Mason providing his passage to America, Buckland was able to advance further and faster in his chosen trade, since in his native country Buckland would have had to serve a far longer period as a journeyman prior to becoming his own master. For his service to Mason, Buckland received passage to Virginia, food and lodging, and an annual salary of £20 sterling.<sup>16</sup>

Arguably the most damning indictment of Mason in his personal actions and his slaves is Roger Wilkins' contention that George Mason required slaves to kneel before making requests of him.<sup>17</sup> If, as Copeland and Macmaster allege, Mason "remained

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<sup>16</sup> Ibid., 96; Robert A. Rutland, *George Mason: Reluctant Statesman* (Baton Rouge: Louisiana State University Press, 1961), 13; and Luke Beckerdite, "Architect-Designed Furniture in Eighteenth-Century Virginia: The Work of William Buckland and William Bernard Sears," n.d., <<http://www.chipstone.org/publications/1994AF/Beckerdite94/1994Beckertext.html>> (17 February 2004).

<sup>17</sup> Roger W. Wilkins, *Jefferson's Pillow: The Founding Fathers and the Dilemma of Black Patriotism* (Boston: Beacon Press, 2001), 26.



fearful of slaves,”<sup>18</sup> demeaning those slaves in this fashion served no particular purpose other than to deepen their hatred towards their circumstances. If, indeed, Wilken’s contention is true, then Mason truly represented the “petty tyrant” he had labeled masters of slaves in his July 1773, annotations of the Virginia Charters and during the August 1787, Constitutional deliberations.

It appears that on at least one occasion Mason’s slaves reacted violently to their circumstances. There is documentary evidence that Mason owned slaves who had been convicted of a capital crime and that he expected to be paid a government allowance for the loss of those slaves. Since 1748, slave owners whose slaves were convicted of capital crimes had been entitled to an Assembly-borne allowance for the value of their convicted slaves.<sup>19</sup> Evidence of Mason’s slave forfeiture is found in a June 11, 1769, letter written by George Washington to John Posey:

That Colo. Mason hath several times spoke to me on Acct of your Bond (to which I am Security) since he wrote to you himself; and I shoud presume, must now have greater Calls for the money than he himself apprehended, inasmuch as he has been disappointed of receiving £350 of the Publick for his executed Negroes; but as I have not seen him since my return from Williamsburg, this is the result of my own Conjectures only...<sup>20</sup>

In an October 17, 1769, letter Mason appealed directly to Washington for government monies due him:

I must again trouble You with an Ordr to the Treasurer for the Money due to Me from the Country; it’s to be hoped there is by this Time Cash in the Treasury, &

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<sup>18</sup> Copeland and Macmaster, The Five George Masons, 45.

<sup>19</sup> W. W. Abbott, and Dorothy Twohig, eds., The Papers of George Washington: Colonial Series (Charlottesville: University Press of Virginia, 1982-1995), 8: 215.

<sup>20</sup> *Ibid.*, 8: 211.

that the House will be permitted next Session to go thro' the public Business: I have some Thoughts of petitioning Your Honours for an Allowance of Interest.”<sup>21</sup>

Mason's slaves, who were the subject of the above passages, may have been among those who murdered several people in Fairfax County in two years earlier. According to a December 31, 1767, account in the Pennsylvania Gazette, “a Number of Negroes ... lately conspired to poison their Overseers, and ... several Persons have lost their Lives in Consequence thereof.” The Pennsylvania Gazette account also noted that four of the black conspirators had been executed some three weeks earlier, their heads decapitated, and their severed heads displayed on the courthouse chimneys. Four more blacks were awaiting a likely similar fate. No accounts of the murders or related legislative activity have been found in the Virginia Gazette or in the legislative journals.<sup>22</sup>

The preceding thread of documents is enlightening on a number of levels. First, it shows that Mason had genuine reason to fear his own slaves. Second, it reinforces the concept that the financially fastidious Mason was determined to preserve the value of his assets. Third, Washington's “conjectures” as to Mason's need for money undercut the notion that Mason enjoyed a healthy level of financial liquidity throughout his life.

Mason's last will and testament, dated March 20, 1773, (see Appendix I) provided for the manumission of not a single one of his slaves. Instead, Mason bequeathed thirty-six specifically named slaves to his children;<sup>23</sup> eight of that number were slaves given to six of Mason's children by their maternal grandparents. Of the

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<sup>21</sup> Ibid., 8: 264.

<sup>22</sup> Ibid., 8: 215.

<sup>23</sup> Of Mason's twenty-eight named slaves, George V received seven; Ann four; Sarah, Mary, and Elizabeth received three each; and William, Thomson, John, and Thomas, each received two slaves. Of the Eilbeck's slaves previously bequeathed to Mason's children, George V received three and Ann, Sarah, Mary, William, and Thomson each received one slave. See Appendix I.

twenty-eight George Mason-owned named slaves, Mason specified that his children were to receive those slaves' increase, however, Mason's will was silent on the increase relating to the slaves given the children by the Eilbecks. Besides these specifically-named slaves, George Mason V was to receive all the slaves that "belong to and reside at [Mason's] two upper Quarters in Dogues Neck" that were not specifically bequeathed to his other children. Further, all remaining slaves not otherwise bequeathed in Mason's will constituted the residual of Mason's slave assets, which he devised equally among his four youngest sons, William, Thomson, John, and Thomas. At the time Mason wrote his will, the English law of primogeniture was still operative in Virginia. By that date, however, primogeniture had been cast aside by all the American colonies except New York, Virginia, Maryland, and South Carolina, who followed suit in 1774, 1785, 1786, and 1791, respectively.<sup>24</sup>

The timing of Mason's last will and testament may be important in at least two ways relating to his slaves. First, Mason's will was written within a fortnight of the death of his beloved Ann, and one can reasonably postulate a desire on Mason's part to provide for the relatively large issue of their marriage. Second, one should consider that Mason's will was written in March 1773, nearly twenty years prior to its actual need. Mason simply may have not revisited the document even though his antislavery disposition may have continued to escalate in his later years.

With Ann Eilbeck Mason's passing in early March 1773, Mason became solely responsible for raising the couple's nine children—five sons and four daughters—

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<sup>24</sup> Marylynn Salmon, *Women and the Law of Property in Early America*. (Chapel Hill and London: University of North Carolina Press, 1986), 143.

ranging from three years to twenty years of age.<sup>25</sup> Mason's eldest daughter Ann, usually called Nancy, served as mistress of the family for the next seven years until Mason remarried. As of the time of his remarriage to Sarah Brent, eight of his children still lived at home.<sup>26</sup>

Mason's letter, written three years later, April 2, 1776, to George Washington clearly demonstrates Mason's regard for those who would follow his generation,

... but when I am conversing with you, the many agreeable Hours we have spent together recur upon my Mind; I fancy myself under your hospitable Roof at Mount Vernon, and lay aside Reserve. May God grant us a return of those halcyon Days; when every Man may sit down at his Ease under the Shade of his own Vine, and his own fig-tree, & enjoy the Sweets of domestic Life! Or if this is too much, may He be pleased to inspire us with spirit & resolution, to bear our present & future Sufferings, becoming Men determined to transmit to our Posterity, unimpair'd, the Blessing we have received from our Ancestors!<sup>27</sup>

While not readily defensible on a number of fronts, Mason's concern for the welfare of his young children represents one understandably plausible explanation as to why he did not provide for his slaves' freedom in his last will and testament.

As observed previously, Mason remained a widower some seven years, until April 11, 1780, when the fifty-four year-old married fifty-year old, previously unmarried, Sarah Brent.<sup>28</sup> Clearly the marriage represented one of convenience, as Mason himself wrote in February 1780: "I find cold Sheets extreamly disagreeable."<sup>29</sup>

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<sup>25</sup> Mason, Papers, I: 161 and 479.

<sup>26</sup> Copeland and Macmaster, The Five George Masons, 116, 208, and 235.

<sup>27</sup> Mason, Papers, I: 267.

<sup>28</sup> *Ibid.*, II: 621-622.

<sup>29</sup> Copeland and Macmaster, The Five George Masons, 208.

Three days prior to their April 11, 1780, marriage, George Mason and Sarah Brent entered into a prenuptial agreement (see Appendix III) that, according to Hill, represented a typical such contract for the day among Virginia planters.<sup>30</sup> The agreement's provision related principally to control of slaves Sarah Brent brought to the marriage and to her rights to those slaves and Mason's estate. Sarah Brent's father, George Brent, of Woodstock, had died some two years before her marriage to Mason, and as George Brent's favorite child,<sup>31</sup> Sarah Brent may have owned a number of slaves.

The applicability of the Mason-Brent agreement's provisions varied principally as to whether the marriage produced children. Since Sarah Brent was fifty years old at the date of her marriage to Mason, it is highly unlikely the agreement's stipulations based upon issue of the marriage would have ever been realistically operative. Thus, distilled to its essential elements, the agreement provided Mason full use of Sarah Brent's slaves during their marriage. Further, title to the Brent slaves was to revert to Sarah Brent or her heirs when either she or Mason died. Lastly, Sarah Brent was to receive lifetime use of four hundred acres of Mason's Dogues Neck land "in Lieu and in full Satisfaction of her Dower & legal Share of & in the said George Mason's Estate real & personal."

The Mason-Brent marriage agreement contained aspects of both a dower and a jointure. A widow's dower rights provided her only a life interest in property; she was unable to sell or devise her dower assets, but dower assets remained beyond the reach of creditors during her lifetime.<sup>32</sup> In cases where a testate husband devised his wife specific

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<sup>30</sup> Helen Hill, *George Mason: Constitutionalist*. (Cambridge: Harvard University Press, 1938), 51.

<sup>31</sup> Mason, *Papers*, II: 621.

<sup>32</sup> Salmon, *Women and the Law of Property*, 143.

assets, she was usually permitted to choose between the better of the devise or the dower. A jointure, if executed prior to the marriage, represented a contract between spouses designating specific property the wife was to receive if her husband predeceased her. Further, the jointure precluded dower, and jointures were more common in England than in America. Jointures were not prevalent during the eighteenth century, at least, in part, because such arrangements precluded couples from selling, mortgaging, or exchanging the assets covered by the agreement. Moreover, when entered into prior to marriage, the wife did not share in the increase of their fortune during their marriage under jointures. Landed families preferred jointures to dower as a means of providing for widows, principally because dowers represented a lien on the husband's estate. In most cases, jointures provided maintenance and use of the family home to widows in lieu of their inheriting dower assets.<sup>33</sup>

After Mason's death, Sarah Brent Mason reached a financial settlement with George Mason V, in lieu of the Mason acreage to which she was entitled under the stipulations of their marriage agreement. That agreement is known to have included a £35 annual stipend for the remainder of Sarah Brent Mason's life.<sup>34</sup> Although it may at first appear to have focused inordinately upon Sarah Brent's slaves, in the event she predeceased Mason, the Mason-Brent agreement actually served to specifically protect Sarah Brent Mason's interests and the interests of her heirs in her principal assets—her pre-marriage slaves.

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<sup>33</sup> Salmon, *Women and the Law of Property*, 143 and 146.

<sup>34</sup> Copeland and Macmaster, *The Five George Masons*, 239-240.



Less than a year before he spoke with such apparent fervency in Philadelphia on the pitfalls of slavery, Mason and his eldest son ran a newspaper advertisement<sup>35</sup> for the return of two of his fugitive slaves—Dick, “a very lusty well made Mulatto fellow, about 25 years of age” and “Watt, “a stout Negro fellow, remarkably black, about 35 years of age.” Mason offered a five-pound reward for the return of each of these men. Once again, while he rails against the peculiar institution’s ills, Mason clearly demonstrates that he is prepared to protect his own assets in the form of chattel slaves.

The number of George Mason’s slaves is anything but clear, but it is quite clear that, to date, no one is known to have uncovered evidence that Mason freed any of his slaves.<sup>36</sup> According to Mason’s grandson, George Mason of Hollin Hall, the master of Gunston Hall owned 15,000 acres in the Potomac River region, 60,000 acres in Kentucky, “some 300 slaves,” more than \$50,000 of personal property, at least \$30,000 of debt receivable from others, and no debt payable to others.<sup>37</sup> Although that particular slave count has been cited in a number of works,<sup>38</sup> one account actually claimed Mason

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<sup>35</sup> See Appendix IV for the complete text of the September 1786, fugitive slave advertisement.

<sup>36</sup> Peter Wallenstein, “Flawed Keepers of the Flame: The Interpreters of George Mason,” The Virginia Magazine of History and Biography 102, no. 2 (1994): 253. See also, Mason, Papers, III: 1086.

<sup>37</sup> Rowland, George Mason, II: 368.

Professor Charles A. Beard found only “a few hundred dollars” of public securities listed in the Treasury Department records. See Charles A. Beard, An Economic Interpretation of the Constitution of the United States (New York: The MacMillan Company, 1972), 128.

Mason’s heirs apparently lacked his financial acumen and, consequently, Gunston Hall was sold at public auction fifty years of his death. See Robert M. Moxham, The Colonial Plantations of George Mason (Springfield, VA: Colonial Press, 1974), 8.

<sup>38</sup> Clinton Rossiter, 1787: The Grand Convention (New York: The Macmillan Company, 1966), 120 and Forrest McDonald, We the People: The Economic Origins of the Constitution (Chicago: University of Chicago Press, 1958), 72.

owned “a thousand slaves,”<sup>39</sup> while another indicates a far more modest Mason slave holding of one hundred and eighteen. The latter accounting is likely more accurate. Inarguably, George Mason was among the wealthiest residents of Virginia. Utilizing Virginia tax lists from 1787 and 1788, Jackson T. Main distilled the one hundred richest Virginians at that time. All of the one hundred such well-healed Virginians owned slaves ranging from Henry Banks with one slave to Charles Carter with seven hundred and eighty five slaves. Fifty-six of the one hundred Virginians owned more slaves than did Mason, who at the time owned one hundred and eighteen slaves. Main found Mason’s assets “nearly average.” Mason owned 8,852 acres, most of which was located in Fairfax County, and he owned 63 horses, 116 head of cattle, and a four-wheeled carriage.<sup>40</sup> Moreover, at least anecdotal support for Main’s slave count can be deduced from George Mason V’s 1796, estate inventory, which listed one hundred and fifteen slaves.<sup>41</sup> Based solely on Mason’s 1773, last will and testament, one would expect his slave holdings to exceed those of his eldest son, but at least the nearness of Main’s 1787, slave count and that of George Mason V’s estate inventory slave listing suggests Mason likely never owned three hundred slaves, and certainly he never owned one thousand slaves.

While the Tidewater Virginia slave-owning planters rested morally on a foundation of quicksand, there existed a number of practical secular impediments to manumission. Wholesale manumission of their slaves, at least in the minds of the Virginia planters, meant likely financial ruin. Late eighteenth-century plantation owners

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<sup>39</sup> “George Mason, Author of Bill of Rights, Was Ancestor of Several Daviess County Families,” *The Owensboro Messenger*, 6 January 1946, sec. B.

<sup>40</sup> Main, “The One Hundred,” 354, 363, and 368-383.

<sup>41</sup> Gunston Hall Plantation, “George Mason’s Plantations and Landholdings,” n.d., <<http://gunstonhall.org/landholdings/lexington.htm>> (3 May 2004).

probably found devastating the prospect of losing their labor supply, or having to hire a replacement workforce—if such could be found. Most of these planters owned vast tracts of land, and without adequate labor that land was worth little. This line of reasoning holds that wholesale manumission deprived the planter not only of his investment in slaves but also a large measure of his investment in land. Other, non-economically focused impediments might include the planters' perception as to the slaves' right to manumission. The American Revolution had unleashed a torrent of anti-tyrannical emotions and the revolutionary patriots, who believed they had struggled mightily against the oppressive British monarchy, regarded liberty as reward for a meritorious endeavor. It is not much of a reach to conclude they also might well have regarded general emancipation of passive slaves as unearned reward.<sup>42</sup>

In a high-level comparison with two other prominent slave-holding Founding Fathers heralding from the Old Dominion, George Mason stacks up quite unfavorably as regards manumission of slaves over whom he held sway. George Washington kept his tepid protestations against slavery out of the public realm, and although he often found himself cash-strapped, his otherwise healthy balance sheet allowed him to provide for his slaves' manumission in his testament—albeit only after his and Martha's deaths.<sup>43</sup> Thomas Jefferson, whose association with his slaves continues to generate sharp controversy two centuries later, spoke and wrote far more against the peculiar institution than did Washington. Although he apparently harbored a sustained intellectual aversion

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<sup>42</sup> David Brion Davis, *The Problem of Slavery in the Age of Revolution: 1770-1823*, (Ithaca: Cornell University Press, 1975), 257.

<sup>43</sup> Fritz Hirshfield, *George Washington and Slavery: A Documentary Portrayal* (Columbia: University of Missouri Press, 1997), 209 and 233-234.

to slavery, Jefferson in his later years faced escalating financial woes and he died deeply in debt. Indeed, some historians contend his debtor status effectively precluded him from broadly manumitting his slaves.<sup>44</sup> One Jefferson biographer, Willard Sterne Randall, contends that on the day of his death, July 4, 1826, Jefferson was \$107,000 in debt; however, he made no mention of the value of Jefferson's assets—liquid or otherwise.<sup>45</sup> Jefferson's debt may have been extensive, but many Tidewater Virginia planters shared with him a land-rich, cash-poor financial condition.

Mason's failure to manumit his slaves is far more troubling. Unlike Washington, who spoke and wrote little against slavery, held substantial wealth, and chose to free his slaves; and unlike Jefferson who spoke and wrote increasingly against slavery, but who lacked wealth and therefore—some maintain—lacked the economic capability to free his slaves; the squire of Gunston Hall harangued eloquently against the slave trade and to a lesser degree he protested against the institution of chattel slavery, he possessed substantial net worth, including adequate liquid capital, throughout his life, and yet the record contains not one case of his affranchising any of his slaves.

Contravening the idea that Mason held sufficient resources to free his slaves, Copeland and Macmaster claim that agricultural depression, Mason's speculations in tobacco, and, in the late 1780s, Mason's illiquid financial condition at times made it

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<sup>44</sup> During his lifetime, Jefferson freed three of his slaves, Robert Hemings, in 1794; James Hemings, in 1796; and Harriet Hemings, in 1822. The latter slave actually ran away, and, apparently, Jefferson thought it more expedient to emancipate, rather than pursue, her. Additionally, in his will, Jefferson provided for the emancipation of five of his slaves. See Paul Finkelman, "Thomas Jefferson and Antislavery: The Myth Goes On," *The Virginia Magazine of History and Biography* 102, no. 2 (1994): 215 and 221.

<sup>45</sup> Willard Sterne Randall, *Thomas Jefferson: A Life* (New York: Henry Holt and Company, 1993), 589.

difficult for him to even pay his taxes.<sup>46</sup> When considered in tandem with Washington's "conjectures" as to Mason's need for money in the late 1760s, Mason's lack of liquidity in the late 1780s suggests he, like Jefferson, may not have possessed substantial liquid resources throughout his life. Indeed, if one also considers the financially upsetting impact of the Revolutionary War during the 1770s, one can readily deduce that Mason's liquid resources may have remained challenged through much of his later life. If Mason actually experienced such financial challenges, he likely would have felt hard pressed to set free his slaves.

Another plausible reason for Mason's failure to manumit his slaves may have been his concern for how his slaves would adapt to newfound freedom. According to Philip Mazzei, an Italian philosopher with whom Jefferson, John Blair, and Mason pondered slavery during the late eighteenth century, in their discussions Mason stressed the need to educate slaves before their manumission,

... [Mason] showed the necessity of educating them before taking such a step, [manumission] teaching them to make good use of their freedom. 'Each one of us knows,' he said, 'that the negroes consider the work as punishment.' He also convinced us that if they were not educated before being freed, the first use they would make of their liberty would be loafing, and hence they would become thieves out of necessity.<sup>47</sup>

Writing from Paris in early 1788, to Edward Bancroft, Thomas Jefferson echoed a similar view as to the predicted plight of manumitted Virginia slaves: "... as far as I can

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<sup>46</sup> Copeland and Macmaster, The Five George Masons, 222-223.

<sup>47</sup> Philip Mazzei, "Memoirs of Philip Mazzei," E.C. Branchi, translator, William and Mary College Quarterly Historical Magazine (2<sup>nd</sup> Series) 9, no. 4 (1929): 251.

judge from experiments which have been made, to give liberty to, or rather, to abandon persons whose habits have been formed in slavery is like abandoning children.”<sup>48</sup>

While some twenty-first century historians likely find such a contention “racist,” demeaning, and little more than a hyperbolic justification for continuing an indefensible institution, Mason and Jefferson at least gave the slaves’ welfare and adaptation to freedom a measure of consideration. The troubling aspect of the matter, however, is that neither man took meaningful steps toward enabling the education necessary to overcome their concerns, and thereby providing for an environment conducive to manumission.

Although legal considerations and Mason’s concern for his young, newly motherless children at the time he wrote his will in 1773 are certainly understandable reasons for his failure to provide for manumission of any of his slaves, as he approached old age that reasoning loses a large measure of its credibility. For one, at the time Mason wrote his will in 1773, private manumission in Virginia remained illegal—but that practice was legalized in 1782.<sup>49</sup> Mason had a full decade before his death to make it right. Further, Mason’s youngest child, Thomas, in 1792 was twenty-two years old.<sup>50</sup>

Seven years before Mason’s death, his brother Thomson provided what should have been an example for his older brother as to how one might treat a slave. When he

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<sup>48</sup> Julian P. Boyd, et al., eds., The Papers of Thomas Jefferson (Princeton: Princeton University Press, 1950-2003), 14: 492.

<sup>49</sup> Thomas D. Morris, Southern Slavery and the Law, 1619-1860 (Chapel Hill: University of North Carolina Press, 1996), 394.

<sup>50</sup> In considering Mason’s concerns for his children’s economic welfare, one should consider that each of these daughters inherited jewelry, money, and slaves upon the death of their maternal grandparents William Eilbeck in 1765 and Sarah Edgar Eilbeck in December 1780. The latter grandparent bequeathed the greater part of her estate to Mason’s son, William. See Rowland, George Mason, I: 153 and II: 12.



died on February 26, 1785, Thomson, a former slave trader,<sup>51</sup> provided rather handsomely for at least one of his own slaves. Thomson Mason's will provided for "my negro man Jack" thirty acres of "good arable land," ten acres of pasture, a new log barn, along with a cow, two sows, one ewe, a mare, various tools and grains, "one month's worth of an able Negro man," and six pounds specie, all intended to establish and jumpstart a new plantation for Jack. Thomson Mason also provided Jack "liberty to get rails and firewood off my adjacent lands."<sup>52</sup>

Mason, if even minimally committed to rectifying his own burden of slavery, could have been expected to free, at least, his own body-servant, James—as Mason's own brother had done for his "Negro man Jack." It is unreasonable to conclude that a nearly life-long-sickly, sixty-five plus year-old Mason simply forgot about his slaves, especially a slave who was with him daily.

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<sup>51</sup> Sweig, "The Importation of African Slaves," 522.

<sup>52</sup> Rowland, George Mason, II: 75 and 78.

## **Epilogue**

### **“Elusive Conclusion”**

The case of George Mason as a slavery opponent is vexingly conflicting. Just when one focuses on and relishes the strength of one of his speeches attacking slavery (or even just the slave trade) Mason offers up a speech, or an action, or an inaction that contravenes his supposed aversion to that institution. His seemingly bipolar construction of eighteenth-century slavery, indeed, the waxing and waning of his slavery-related actions are maddeningly twisted to one seeking to find the essence of Mason and slavery.

Beginning in late 1765, with his Scheme for Replevying Goods and Distress for Rent, Mason made a concerted assault on slavery. Contained in a proposal that was never viewed by even a small contemporary audience, as well as a proposal in which his slavery protest represented little more than an extraneous aside, Mason’s antislavery message in that document was unmistakable, and considering the era, it was an especially strong opening salvo. More importantly, as a major slaveholder, Mason’s protest against slavery could have served as a very powerful one.

In spite of such demonstrated initial boldness, less than six months later Mason reentered the skin of the pragmatic politician-slaveholder with his letter to the London Merchants, signed “A Virginia Planter.” Although he would later charge, in 1787, that the British merchants’ greed had fostered the opening of the slave trade, in this 1766 letter Mason completely avoided the whole issue of the slave trade, as well as slavery. Though idealistic and likely doomed to failure, an effective antislave trade/slavery

message to the London Merchants would have been to implore them to curtail the slave trade, while Mason committed to reduce his own holdings in chattel slaves and seek phased manumission of all Virginia slaves. Nevertheless, such second-guessing of one's actions across nearly two and one-half centuries is fraught with problems.

While Mason's role in the Virginia Nonimportation Agreements of 1769 and 1770 was sufficiently small to rate no additional remarks, his castigation of slavery in his 1773 *Extracts from the Virginia Charters, with Some Remarks Upon Them* is remarkable. Once again, in these annotations Mason clearly identifies the negative effects of slavery, but perhaps more importantly he identifies the enfeebling effects of that institution on those who held dominion over slaves. Regardless of the motivation, that was an important admission by one who held a significant number of slaves.

Like the Virginia Nonimportation Agreements, the Fairfax Resolves were of the nature of a boycott. In 1774, a ban on slave imports was likely of no consequence to Mason, because he probably already owned an adequate number of slaves. Furthermore, his role in the development of the Fairfax Resolves is now sufficiently clouded by the elusive Washington letter to his brother as to render those resolves of little use in assessing Mason and slavery.

The Virginia Declaration of Rights represents the pinnacle of Mason's achievements relating to slavery and otherwise. In this document, Mason declared "That all Men are born equally free and independant." While he did not specifically address slaves in his draft document, and while he wrote that "all Men" could not be deprived of the "Means of acquiring and possessing Property,"—a category into which slaves certainly were then classified in Virginia—Mason's article was sufficiently bold and

inclusive as to cause an apparent stir among the full assembly of the largely slaveholding Virginia delegates. Consequently, those delegates felt compelled to modify Mason's free and independent classification with the proviso "when they enter into a state of society." It is illogical to consider that the always-fastidious Mason simply was too loose with his verbiage. Indeed, Mason had to have known the impact of his first draft, and has been seen, the breadth of reach of that draft document was substantial as it related to slavery, as well as to politics in general.

From 1776, until the Constitutional Convention, Mason's actions in the public arena concerning slavery were generally inconsequential. His sponsoring of legislation relative to slave Kitt in 1779 was a perfunctory task that demonstrates little concerning Mason and slavery. His failure to sign the Roberdeau abolition petition—though counterintuitive to what one would expect of an opponent of slavery—likely related more to how society would deal with the slaves if they were broadly manumitted. One must remain cognizant that these Tidewater Virginia slave owners were quite fearful of slave insurrections.<sup>1</sup>

Mason's actions during the Constitutional Convention—while frequently held up as evidence of Mason's aversion to slavery—are, indeed, less than convincing. On the one hand, his August 22, 1787, speech was quite powerful, but most likely Mason's true concern was the means by which navigation legislation came to fruition. Moreover, his protests against the Constitution following the Convention belied his true objective. He refused to recognize slaves as equal to freemen, even though the resulting benefit of incremental representation would have inured to Virginia. Furthermore, during the

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<sup>1</sup> Pamela C. Copeland and Richard K. Macmaster, The Five George Masons: Patriots and Planters of Virginia and Maryland, (Lorton, VA: The Board of Regents of Gunston Hall, 1975), 45.

waning days of the Convention, Mason's efforts were directed myopically against the navigation legislation aspect of the Constitution.

One can reasonably conclude that Mason reversed a lifetime of persuasion against slavery with his actions in the Virginia ratifying convention. If Mason had any input into the draft bill of rights floated at that convention for addendum to the Constitution, and if his meaning in the first article of his 1776, Virginia Declaration of Rights was as revolutionary and meaningful to slavery as is maintained in the present work, then Mason's stance on slavery had undergone a severe reversion in a scant dozen years. Fortunately for his reputation, his input into that 1788 draft bill of rights is apparently unknowable.

In spite of this confusion as to whose thinking underpinned the proposed Constitutional bill of rights in June 1788, Mason's recorded words are known and they are, not surprisingly, mixed on the premise of Mason as an opponent of slavery. On two occasions he decried the slave trade, but he also ranted about the Constitution not protecting slave owners current slave holdings—contending that their slaves might be singled out for special taxation that would render investment in such asset severely diminished.

Mason's post-Virginia ratifying convention letters signal his ambivalence toward slavery. In each case, he cited the navigation laws and/or his distastefulness toward the manner in which Commerce and Slave Trade Compromise was accomplished. Except for his August 22, 1787, speech, in which he addressed matters related to slaves during the Convention, it was from the point of the slave trade only—not slavery. One must remain cognizant that for wealthy Virginia slave owning planters, slavery and the slave trade

could be mutually exclusive economic concepts. Armed with even an elementary knowledge economics one can readily discern that abolition of the international slave trade for a Virginia planter with an adequate stable of slaves—growing through natural increase—at the same time that two other colonies, as well as the western territories, were calling out for slaves represented an opportunity to increase the value of that planter’s slave holdings.

Mason’s management of his own slaves provides little support for the notion of Mason as a genuine opponent of slavery. While it may have been prevailing practice of the time, Mason’s having slaves kneel before him prior to making a request of him, if true, is unconscionable for one with any meaningful aversion to slavery. Nevertheless, one must be careful not to lend too much credence to the contentions of a single source. Moreover, Mason’s public advertisement for the return of two of his male slaves some eight months prior to the opening of the Constitutional Convention provides an indication of Mason’s economic considerations of slavery. Clearly, Mason considered these two “lusty” slaves valuable assets, and he apparently was not about to let two such valuable slaves simply walk away.

From an economic perspective, for some reason Mason ignored the example of his father as to the elder Mason’s preference for renting his lands rather than running a slave-based plantation. Too, perhaps he was able to achieve greater economic returns utilizing slaves than had his mother. Perhaps, further, the evolving labor distribution, including, not unimportantly, the lure of the west for non-slave laborers precluded his effectively using his principal asset via rentals or tenancy.



Mason's extension of his ownership of slaves is far more problematic. Regardless the number of slaves he actually owned, inarguably, Mason augmented—and augmented significantly—the number of slaves he had inherited. Those who contend that Mason had simply been born into slavery are inarguably correct on that narrow premise, but such arguments fail to consider that Mason extended that level of slave ownership to the point he was among the one hundred wealthiest Virginian's of the late eighteenth century. If, as contended in the present work, Mason inherited, at most, thirty-three slaves, that number of slaves certainly would have been adequate to maintain an above average lifestyle in Tidewater Virginia, while at the same time providing Mason the wherewithal to proselytize as a true opponent of slavery. But, clearly, Mason had bigger dreams, dreams that were actually attained, and dreams that were built on the backs of chattel slaves.

Perhaps Mason's greatest personal failing relating to slavery may have been his failure to free his personal body-servant upon his own death. Mason's brother, Thomson, a known slave trader, provided the example, but Mason failed to follow that example. Though his last will and testament was lengthy and he had obviously labored over its production, a simple codicil to that will could have sufficed to accomplish that end. After all, his marriage agreement with Sarah Brent was, in effect, just such an amending agreement. Mason's personal legacy with slavery would have been justifiably enhanced if only he had provided for James and his family as had Thomson for his Jack.

Inarguably, as regards slavery, George Mason's personal actions and inactions concerning slavery failed to square with many of his words about that institution. Indeed, even his words were sometimes contradictory and their meaning elusive. Mason,

nonetheless, a product of the landed Virginia gentry and one whose financial welfare emanated from the use of slave labor at least sometimes spoke with a true conviction against the slavery that belied his family's background, his class, and his financial well being.

Indeed, Mason remained an astute, well respected, albeit enigmatic, political thinker and leader. Unlike other antislavery voices, such as the Quakers, who were operating on the margins of the political process, Mason, heralding from an overwhelmingly slaveholding state—and, not unimportantly as a holder of a significant number of slaves—possessed the political wherewithal to have functioned as a determinant force against slavery. For him to argue against slavery as a slaveholder provided an added measure of effectiveness to his words. To the chagrin of generations to come, if he is regarded in the most favorable light, one might argue that the idealistic Mason simply ran up against the juggernaut of far more pragmatic Federalist politicians who feared that a meaningful assault on the institution of chattel slavery might well have spelled the death of the United States while still in the womb.

Quite likely, the dismantling of slavery in the late eighteenth-century was little more than a quixotic concept, anyway. Even the then as yet born Abraham Lincoln recognized the overwhelming obstacles the Founding Fathers' generation faced with regard to slavery:

Our revolutionary fathers ... hedged and hemmed [slavery] in to the narrowest limits of necessity ... just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time.<sup>2</sup>

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<sup>2</sup> David Herbert Donald, *Lincoln* (New York: Simon & Schuster, 1995), 176.

It is unknowable whether Lincoln had Mason in mind when he rendered this assessment, but likely he did, and Mason certainly merited inclusion as one of our revolutionary fathers who, at least, “nibbled at the edges” of slavery<sup>3</sup>. Certainly, an endorsement from the “Great Emancipator,” who actually had to finish the job of stamping out slavery, is no small endorsement.

Mason has been and likely will remain an enigma on the issue of slavery. The author of the Virginia Declaration of Rights certainly merits recognition for his speaking out so vociferously and fairly consistently against the slave trade—and to a lesser extent against slavery—when other comparably situated Founding Fathers simply avoided confronting the issue. On the other hand, he fell far short of what one would reasonably expect of a true slavery opponent in his personal interaction with his own chattel slaves. Indeed, Mason deserves neither rousing accolades nor vituperative condemnation for his public or private actions regarding chattel slavery. In the words of history professor Gary B. Nash, “the past is not pretty, linear, or easily explained.”<sup>4</sup> Indisputably, such is the case of George Mason and slavery.

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<sup>3</sup> Peter J. Parish, Slavery: History and Historians (New York: Harper and Row, 1989), 18.

<sup>4</sup> Maurice A. Barboza and Gary B. Nash, “We Need to Learn More About Our Colorful Past,” The New York Times, 31 July 2004, sec. A, final, late edition.

## Appendix

### I.

#### **Will of George Mason of "Gunston"<sup>1</sup> March 20, 1773**

I, George Mason of Gunston Hall in the parish of Truro and county of Fairfax, being of perfect and sound mind and memory and in good health, but mindful of the uncertainty of human life and the imprudence of a man's leaving his affairs to be settled upon a death bed, do make and appoint this my last Will and Testament. My soul I resign into the hands of my Almighty Creator whose tender mercies are over all his works, who hateth nothing that he hath made, and to the Justice and Wisdom of whose dispensation I willingly and cheerfully submit; humbly hoping from his unbounded mercy and benevolence thro' the merits of my blessed Saviour a remission of my sins. My body I desire may be decently buried at the discretion of my Executors hereinafter named, close by the side of my dear and ever lamented wife. And as for all the worldly Estate with which it has pleased God to bless me I dispose of it in manner and form following.

Imprimis: It is my will and desire and I hereby direct and order that all my lands, slaves with their increase, stocks, rents, crops, tobacco and money and debts due to me with the yearly interest arising thereon, with all my other Estate of what nature soever, in Virginia, Maryland or elsewhere, be kept together and considered as one common stock for the payment of my debts and legacys and the maintenance and education of my children and the payment of their fortunes, until my said children respectively come of age or marry, when and not before, each of them is to receive his or her part of the same, as hereinafter respectively devised or bequeathed to each of them, and when any one of my children shall come of age or marry and receive his or her part of the same accordingly, the residue still to continue and remain in the said common stock until another of my children shall come of age or marry, and so on in the same manner until the youngest of my children shall come of age or marry and receive his or her part of the same as aforesaid ; it being my intention that my Executors shall not have the trouble and perplexity of keeping different accounts with all my children, but only one general account for the whole.

Item: I give and bequeath unto each of my four daughters, Ann Mason, Sarah Mason, Mary Mason and Elizabeth Mason and each of their heirs forever when they respectively arrive at the age of twenty-one years, or marry, whichever shall first happen, the following slaves with their increase respectively from the date of this my will: to my eldest daughter Ann the four following slaves and their increase, to wit Bess (the daughter of Chloe) and her child, Frank, mulatto Priss (the daughter of Jenny) and Nell

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<sup>1</sup> Kate Mason Rowland, *The Life of George Mason, 1725-1792*, 2 vols. (New York and London: G.P. Putnam's Sons, 1892), II: 457-472.

(the daughter of Occoquan Nell). To my daughter Sarah the three following slaves with their increase, to wit Hannah and Venus (the daughter of Becky) and mulatto Mima (the daughter of Jenny). To my daughter Mary the three following slaves with their increase to wit, Ann and Nell, the daughter of house Nell, and little Jenny (the daughter of Jenny). To my daughter Elizabeth the three following slaves with their increase, to wit Vicky (the daughter of Occoquan Nell), Sarah (the daughter of great Sue), and Rachel (the daughter of Beck). And I confirm unto my three eldest daughters Ann, Sarah, and Mary their right and title respectively to one negro girl given to each of them by their grandfather Mr. William Eilbeck deceased, to wit a negro girl named Penny to my daughter Ann, a negro girl named Priss to my daughter Sarah, and a negro girl named Nan to my daughter Mary. But in the meantime that is until my daughters respectively come of age or marry, the profits of all such of the above mentioned slaves as shall not be employed in waiting upon any of my said daughters, or for their use in the house, are to remain in and be considered as part of the common stock for the purposes hereinbefore mentioned, and if any one or more of my said daughters should happen to die under age or unmarried, then and in that case it is my will and desire and I hereby direct and order that all the slaves with their increase hereinbefore bequeathed to such daughter or daughters, shall go to and be equally divided between my other daughters or to the survivor of them, to be delivered them or her as hereinbefore directed. I also give to each of my said four daughters one bed and furniture to be delivered them at the time and in the manner aforesaid.

Item: I give and bequeath unto each of my said four daughters Ann, Sarah, Mary and Elizabeth, except such of them as may happen to marry and have actually received their fortune in my lifetime, the sum of six hundred pounds sterling out of my money debts due to me and the profits of the common stock of my Estate, the said sum of six hundred pounds sterling to be paid to each of them without defalcation or diminution, when they respectively arrive at the age of twenty-one years or marry, whichever shall first happen exclusive of any sum or sums given or to be given to any of them by their grandmother Mrs. Eilbeck, or for which I have taken or may take bonds for their use or in any of their respective names ; and if any one of my said daughters should die under age or unmarried, it is my will and desire and I hereby direct and order, that the money herein bequeathed to such daughter shall go to be equally divided between all my other surviving daughters, such of them as may happen to be of age or married at the time to receive their part of the same, and the residue to remain in the common stock until my other surviving daughters respectively come of age or marry, but if two or more of my daughters should happen to die under age or unmarried, then and in that case it is my will and desire and I hereby direct and order, that so much of their money only shall go to my surviving daughter or daughters as will increase the fortune of each or either of them to the sum of one thousand pounds sterling, exclusive of their slaves or of any money given them by their grandmother Mrs. Eilbeck as aforesaid, to be paid them or her in the manner above directed, and that the residue shall remain in the common stock for the benefit of my four youngest sons in the manner hereinafter directed.

Item: I give and devise unto my eldest son George Mason and his heirs forever when he arrives at the age of twenty-one years or marries, whichever shall first happen, my mansion house and seat of Gunston Hall with all my lands thereunto belonging or adjoining, being between five and six thousand acres, also a small tract of land adjoining

to the land of the Revd. Mr. Lee Massey purchased by my father of Giles and Benoni Tillett, and in general all my lands between Potomack river, Occoquan river and Pohick creek in Fairfax County, excepting and reserving unto my Executors the right and privilege of keeping three Quarters, upon the said land to be considered as part of the common stock of my Estate for the benefit of my younger children, and of working the same number of hands as are worked at the said three Quarters respectively at the time of my death, with the right and privilege of getting timber for the proper use of the said three Quarters or plantations on any part of the said lands, that is to say one Quarter in the bottom of Dogues Neck (commonly called the Occoquan Quarter), until all my sons come of age, with all the land which I have usually tended and made use of at the said Quarter, and such other convenient and adjoining land as is necessary for the use of the same, and the benefit of suffering all the stock properly belonging to the said Quarter to range and run at large in the said Neck, and the two other Quarters at Hallowing's Point and upon the land I bought of William Courts, until all my sons except the youngest come of age, with all the land between [the] upper line of the said tract bought of William Courts, the river and the great marsh, and the benefit of all the stock properly belonging to the said two Quarters, ranging and running at large within the new Neck fence, my Executors keeping, the said Quarters and plantations in good order and repair and delivering up the same accordingly at the respective expiration of the times aforesaid, or when the crops then growing thereon are finished, unto my said son George Mason or his heirs. But if my said son George Mason should die under age and unmarried, it is my will and desire and I hereby direct and order that all the lands herein devised unto him shall go and descend unto his heirs at law and his heirs forever, in the same manner as if my said son George had been in the actual possession of the same before his death, and shall not be divided among my residuary Legatees hereinafter named.

Item: I give and bequeath unto my said son George Mason and his heirs forever when he arrives at the age of twenty-one years or marrys, whichever shall first happen, the seven following slaves to wit Alec, Bob, Dunk, yellow Dick, Bob (the son of Occoquan Nell), Peter (the son of great Sue), Judy and Lucy together with all the slaves which shall properly belong to and reside at my two upper Quarters in Dogues Neck adjoining to the great marsh at the time of my death, (except such of them as may happen to be any of the slaves by name specifically bequeathed to some of my other children,) also all my stock of horses, cattle, sheep and hogs which shall properly belong to and be wintered at my said two upper Quarters in Dogues Neck, at the time of my death, with all the plantation utensils and implements of husbandry thereto belonging, also one fifth part of all my Books and household furniture in and about my dwelling house, but if my said son George Mason should die before he comes of age and unmarried, then and in that case it is my will and desire and I hereby direct and order, that all the slaves as well as all the personal Estate hereinbefore bequeathed him, shall be equally divided between my other surviving sons, and for that purpose shall remain in the common stock until my other sons respectively come of age or marry.

Item: I give and bequeath unto my said son George and his heirs forever, all my stock in the Ohio Company as a member thereof, together with my share and part of all the said Company's lands, but whatever ballance (if any at the time of my death) appears by my books of account to be due from me to the said Ohio Company is to be paid out of

the common stock of my Estate in the same manner as any other debts.—I also give and bequeath unto my said son George Mason my Gold watch which I commonly wear, also a large silver salver which being an old piece of family plate I desire may remain unaltered. And I confirm unto him his right and title to a negro man named Dick given him by his grandfather Mr. Eilbeck, and likewise his right and title to two negro men named Tom and Liberty ex-changed with him by me for two other negroes given him by his grandmother Mrs. Eilbeck, also to a large silver Bowl given him by my mother in which all my children have been christened, and which I desire may remain in the family unaltered for that purpose. And whereas my son George will soon be of age, and if I should happen to die during the minority of my other children they will probably live with him, and he may not chuse to charge his brothers and sisters with their board, altho' it must put him to considerable trouble and expence, then and in that case therefore, I give unto my said son George whilst my children live with him as aforesaid the right and privilege of taking in any year from any of my Quarters whilst they remain in the common stock, such Quantity of provisions for his family's use, and also of employing such and so many of my house servants in his family as he and my other Executor shall judge reasonable and necessary for the above mentioned purpose and adequate to the expence and trouble thereby occasioned, without being accountable for the same.

Item: I give and devise unto my son William Mason and his heirs forever when he arrives at the age of twenty-one years or marrys, whichever shall first happen, all my lands upon Chickamuxon and Mattawoman Creeks in Charles County in the Province of Maryland, that is to say all my lands in Christian Temple Manor and my tract of land called Stump Neck (formerly called Dogues Neck) with two hundred acres of land thereto adjoining and included in the same original patent, excepting and reserving to my Executors the right and privilege of retaining and keeping in their hands as part of the common stock of my Estate, for the benefit of my younger children, until all my sons come of age the last mentioned tract of land called Stump Neck with the said two hundred acres of land thereto adjoining, and of keeping a Quarter thereon and working the same number of hands for the purpose aforesaid as worked on the same at the time of my death. I also give and devise unto my said son William Mason and his heirs forever, in like manner, a tract of one hundred and fifty acres of land (whereon George Adams now lives) near Port Tobacco in the said county and province, the same being one moiety of a tract of land called Partnership, and if my said son William should die before he comes of age and unmarried, then and in that case I give and devise all the above mentioned Lands upon Chickamuxon and Mattawoman Creeks unto my youngest son Thomas Mason and his heirs forever, and the above mentioned tract of land near Port Tobacco (upon which George Adams lives) I give and devise unto my son Thomson Mason and his heirs forever.

Item: I give and devise unto my said son William Mason and his heirs forever when he arrives at the age of twenty-one years or marrys, which-ever shall first happen, the two following slaves to wit Milly (the daughter of Kate) and Sampson (the son of Mr. Eilbeck's Bess), also one-fifth part of all my Books and household furniture in or about my dwelling house. I also give and bequeath unto my said son William Mason my silver Watch which I formerly used to wear, and I confirm his right and title to a negro lad named Cato given him by his grandfather, Mr. Eilbeck.



Item: I give and devise unto my son Thomson Mason and his heirs forever when he arrives at the age of twenty-one years or marrys, whichever shall first happen, all my land in Thompson's patent (repatented in my own name) between Dogues Run and the south Branch of little Hunting Creek, excepting and reserving to my Executors the right and privilege of settling two Quarters with eight working hands on each upon such parts thereof as they shall think fit unless the said Quarters shall be settled thereon by me in my lifetime, and retaining and keeping in their hands one of the said Quarters so settled by me or them, with land thereto adjoining sufficient to work the hands belonging to the same as part of the common stock until all my sons come of age. I also give and devise unto my said son Thomson Mason and his heirs forever, in like manner, all my lands upon both sides the north branch of Little Hunting Creek contained in Thomas Stafford's patent, Thomas Sandiford's patent (repatented in my own name), George Brent's sale to William Browne and part of Ball's patent which I bought of Mr. Sampson Darrell, also all my land in Mason's and Hereford's patent upon the branches of Dogues Run and Accotink, being one moiety of the land devised by my Grandfather, Col. George Mason decd. to his daughters Elizabeth and Rosanna, also a small tract of land contiguous thereto originally patented by one William Williams and purchased by my father of Winifred Ball, daughter and heir at law to the said Williams, it being the land whereon Edward Violet lived, also a tract of about four hundred acres of land patented by my father upon the upper side of Dogues Run adjoining to Matthew's patent, and in general I give and devise unto my said son Thomson Mason and his heirs forever when he arrives at the age of twenty-one years or marrys, whichever shall first happen (except as before excepted) all my lands upon the branches and waters of Dogues Run and little Hunting Creek in Fairfax county, being in the whole about three thousand, three hundred acres, and if my said son Thomson Mason should die under age and unmarried, then and in that case I give and devise all the above mentioned lands in Thompson's patent between Dogues Run and the south branch of little Hunting Creek (being about thirteen hundred acres), and also all the above mentioned lands in Stafford's and Sandiford's patents in George Brent's sale to William Brown, and part of Ball's patent which I bought of Mr. Sampson Darrell being about seven hundred acres upon both sides the North Branch of little Hunting Creek, unto my youngest son Thomas Mason and his heirs forever ; but it is my will and desire and I hereby direct and order that all the other land hereinbefore devised unto my son Thomson Mason shall if he die under age and unmarried, as aforesaid go and descend unto my eldest son and heir George Mason and his heirs forever, in the same manner as if my said son Thomson had been in the actual possession of the same before his death.

Item: I give and Devise unto my said son Thomson Mason and his heirs forever, when he arrives at the age of twenty one years or marrys, whichever shall first happen, the two following slaves to wit Sall (the daughter of Lucy), and Joe (the son of Mr. Eilbeck's Bess), also one fifth part of all my Books and household furniture in and about my dwelling house, and I confirm unto my said son Thomson Mason his right and title to a negroe lad named Cupid given him by his grandfather Mr. Eilbeck.

Item: I give and devise unto my son John Mason and his heirs forever when he arrives at the age of twenty-one or marrys, whichever shall first happen, all my lands adjoining to and near Rock Creek ferry upon Potowmack River, that is to say the lands contained in Thomas Ousley's, Thomas Gowing's and my father's patents (all repatented

in my own name), with the lands I purchased of Ellis and Bradie and of Daniel Jennings, and a small tract of land I took up as vacant land between my other tracts, and in general all my land between Four Mile Run and the Lower Falls of Potowmack River in the parish and county of Fairfax being about two thousand acres. I also give and devise unto my said son John Mason and his heirs forever, in like manner my Island in Potomack River opposite the mouth of Rock Creek which I hold under a patent from the Lord Proprietor of Maryland by the name of Barbadoes. I also give and devise unto my said son John Mason and his heirs forever, in like manner all my lands upon and between the main south run of Accotink and the branches of Difficult Run in the upper part of Truro parish in Fairfax county, patented by my father with a small tract of land thereto adjoining patented in my own name being together about two thousand Acres, and if my said son John Mason should die under age and unmarried then and in that case I give and devise all the above mentioned lands between Four Mile Run and the Lower Falls of the Potowmack river together with my before-mentioned Island of Barbadoes unto my youngest son Thomas Mason and his heirs forever. But it is my will and desire and I hereby direct and order that all the other lands hereinbefore devised unto my said son John Mason upon and between the main south run of Accotink and the branches of Difficult Run shall if he die under age and unmarried, as aforesaid go and descend unto my eldest son and heir George Mason and his heirs forever, in the same manner as if my said son John Mason had been in the actual possession of the same before his death.

Item: I give and bequeath unto my said son John Mason and his heirs forever, when he arrives at the age of twenty-one years or marrys, whichever shall first happen the two following slaves to wit Harry (the son of house Poll) and Peg (the daughter of Chloe), also one fifth part of all my Books and household furniture in and about my dwelling house.

Item: I give and devise unto my youngest son Thomas Mason and his heirs forever, when he arrives at the age of twenty-one years or marrys, whichever shall first happen, all my land upon the lower side of Occoquan River patented by my father and Col. Robinson, together with the right and benefit of keeping the ferry over Occoquan from both sides of the river, which has been vested in me and my ancestors from the first settlement of this part of the country and long before the land there was taken up or patented. Also all my land upon the branches of Neabecco [Neapsco ?] purchased by my father of Ann West, also all my land upon Potowmack river in Cockpit Point Neck, also all my land upon the upper side of Chappawamsick Creek and in general all my lands in the county of Prince William. I also give and devise unto my said son Thomas Mason and his heirs forever, when he arrives at the age of twenty one years or marrys, whichever shall first happen, all my lands adjoining to each other upon Goose Bay and Potowmack River in Charles County in the Province of Maryland, being four different tracts, the lowermost called St: Benedict's originally granted to Bennett Marchgay, the next called Mason's Fields patented by my mother Mrs. Ann Mason, the next interfering with Mason's Fields, a tract of one hundred and fifty acres without any particular name whereon Henry Fletcher formerly lived who purchased the same of Henry Aspinall to whom it was originally granted, and the upper [part] called Fletcher's Addition originally granted to the said Henry Fletcher, and in general all my lands between Chickamuxon Creek and Goose Bay in the said county and province, and if

my said son Thomas Mason should die under age and unmarried, then and in that case I give and devise all the above mentioned lands between Chickamuxon Creek and Goose Bay in Charles County in the province of Maryland, unto my son William Mason and his heirs forever. But it is my will and desire and I hereby direct and order, that all the other lands hereinbefore devised unto my said son Thomas Mason in the County of Prince William and Colony of Virginia, together with the right and benefit of keeping Occoquan ferry, shall if he die under age and unmarried, as aforesaid go and descend unto my eldest son and heir George Mason and his heirs forever in the same manner as if my said son Thomas had been in actual possession of the same before his death.

Item: I give and bequeath unto my said son Thomas Mason and his heirs forever, when he arrives at the age of twenty-one years or marrys, whichever shall first happen, the two following slaves to wit Jack (the son of house Nell) and Daphne (the daughter of Dinah), also one fifth part of all my books and household furniture in and about my dwelling house.

Item: I give and bequeath unto my said son Thomas Mason the sum of six hundred pounds sterling to be paid him when he arrives at the age of twenty-one years or marrys, whichever shall first happen, out of my money and debts due to me and the profits of my Estate if so much remain in the common stock after the payment of my debts and legacys, the maintenance and education of my children and the payment of my daughters' fortunes, and if there is not so much as the said sum of six hundred pounds sterling then whatever lesser sum there is remaining in the said common stock.

And least the manner in which I have limited and directed the descent of some of my land should occasion any dispute or induce an opinion that I intended to entail them, I hereby declare that it is not my intention to entail any part of my Estate upon any of my children, but to give all and each of my sons when they respectively come of age or marry, an absolute fee simple estate in all the lands respectively devised them and in all such lands also as any of them may happen to take by the death of any of their Brothers, the common legal descent of some of my lands being hereinbefore altered only in case any of my sons to whom such lands are respectively devised should die under age and unmarried while their lands remained in the common stock of my Estate and had not yet come into their actual possession.—And whereas I hold sundry tracts of land in the county of Hampshire in Virginia, and in the county of Frederick in the province of Maryland near Fort Cumberland, patented in my name in trust for the Ohio Company, I authorize and direct my Executors to convey the same by such deeds as council learned in the law shall advise (with special warranty only against my heirs and all claiming under me) unto the said Ohio Company upon their paying the ballance of my bond with the Interest thereon due to Mrs. Bladen or Mrs. Tasker's Executors, for the purchase of part of the said lands so that the said bond may be taken up and cancelled and my Estate indemnified therefrom excepting and reserving unto my eldest son George Mason and his heirs forever my part and share of and in the said lands as a member of the said Ohio Company.

Item: All the remaining part of my slaves with their increase, stocks of all kinds, and money and debts due to me, crops, profits and all other personal Estate whatsoever in the common stock not herein otherwise disposed of I give and bequeath unto my four youngest sons William, Thomson, John and Thomas (whom I make my residuary legatees) and their heirs forever to be equally divided between them when and as they

respectively arrive at the age of twenty-one years or marry, whichever shall first happen, and if any one or more of my said youngest sons should die under age and unmarried, then and in that case it is my will and desire and I hereby direct and order, that all the slaves together with all the stocks, money or other personal Estate whatsoever bequeathed to such son or sons or which he or they would have been entitled to upon coming of age or marrying, shall be equally divided between the survivors of all my five sons George, William, Thomson, John and Thomas, such of them as may happen to be of age or married at the time to receive their part of the same and the residue to remain in the common stock until the others respectively come of age or marry or shall go to the survivor of my said five sons if only one of them should live to come of age or marry, and if any of my sons or daughters should happen to marry and die during the minority of their Brothers or Sisters leaving a child or children behind them, it is my Will and desire and I hereby direct and order that such child or children shall receive the same part or portion of the Estate which the parent or parents would have been entitled to upon the death of any of my sons or daughters respectively under age and unmarried as aforesaid.

And whereas there is in my hands as Executor of Mr. William Eilbeck decd. a considerable sum (as will appear by my account with his Estate) which by his Will is bequeathed to and divided among his Grandchildren, my children, which I am answerable to them for and have a power of laying out for their benefit, and as I have hereinbefore not only given much more to each of my said children than their respective shares of his Estate in my hands amounts to but have disposed both of that and my own Estate among them in order to make the best provision in my power for them all, and if any of my children were notwithstanding to claim after my death their parts of their said Grandfather's Estate in my hands over and above what I have given them, it would occasion much confusion and alter the disposition which I have hereinbefore made to the prejudice and injury of some of my children, I do therefore declare that what I have hereinbefore given unto all and each of my said children is inclusive of and in satisfaction for what was due to them from me as Mr. Eilbeck's Executor and that the several devises, bequests and legacys herein devised bequeathed or given to each of my said children are upon express condition of each of them respectively releasing and discharging my Estate and Executors from any claim or demand on account of the ballance due from me to the said Mr. Eilbeck's Estate per account already settled or to be settled with the commissary in Maryland, and if any one or more of my said children when they respectively come of age should refuse to release and discharge my Executors accordingly then and in that case it is my Will and desire and I hereby direct and order that all the Estate herein by me given to such child or children shall be forfeited and shall go to and be equally divided among my other children and their heirs forever. And as there are debts due to me to a considerable amount by bond the yearly interest of which will be a great advantage to the common stock of my Estate, I desire and direct my Executors to continue the said debts upon interest either in such hands as they shall be in at the time of my death, or in such other hands and upon such other security as they in their discretion shall judge best, until the money shall be wanting from time to time for any of the purposes by me directed, and likewise to let out upon interest such money as can at any time be spared out of the profits of my Estate.—I also authorize and direct my Executors to settle a Quarter or

Quarters upon my land between Dogues Run and the South Branch of little Hunting Creek, as hereinbefore mentioned (unless the same shall have been settled by me before my death) when they shall think it most for the interest of my Estate so to do, as also upon any of the other lands herein devised to either of my three youngest sons Thomson, John or Thomas, either with any slaves that can be spared from my other Quarters or plantations or with slaves to be purchased by them for that purpose with any money that can be spared out of the common stock of my Estate, without interfering with my daughters' Fortunes or with the money bequeathed unto my youngest son Thomas, all which Quarters and slaves are to be considered as part of the common stock for the purposes before expressed.

I likewise impower and direct my Executors to erect marble Tomb stones over the graves of my honored father and mother and my dear wife if the same is not done by me in my life time. And that no dispute or difficulty may arise to my Executors or my children about the manner in which that part of my estate given to my residuary Legatees is to be divided among them, I hereby declare it to be my Will and intention that when each or either of them comes of age or marrys, he is to receive his part or portion thereof as it stands at such time respectively (always having regard to and reserving a sufficient sum of my money and debts still in the common stock to pay the money that may hereafter be due to any of my daughters for their fortunes, as well as the money bequeathed to my youngest son Thomas Mason) so that any of them after having received and withdrawn their parts from the common stock are not to be entitled to any share of the subsequent increase or profits thereof, and consequently not to any of the slaves that may afterwards be born or purchased, nor liable to any loss that may happen therein except such part of the common stock as may happen afterwards to fall to them by the death of some of their brothers or sisters, yet the fortunes herein given to my daughters in money are to be secured to them notwithstanding at all events, and in case of any deficiency in their said fortunes by failure of securitys or any other inevitable accident, the same is to be made good in equal proportion by all my residuary Legatees as well those who had before as those who had not received their parts out of the common stock. And I appoint my good friends the Revd. Mr. James Scott, the Revd. Mr. Lee Massey, Mr. John West jun., Colo. George Washington and Mr. Alexander Henderson (whenever it shall be necessary) to make such estimation, division and allotment to and among my several residuary legatees, and it is my Will and desire and I hereby direct and order that such estimation, division and allotment as they or any three of them shall from time to time make and give under their hands and seals, shall to all intents and purposes whatsoever be conclusive and binding upon my said residuary Legatees and their heirs. I hope they will be so charitable as not to refuse undertaking this trouble for the sake of a friend who when living would cheerfully have done them any good office in his power.

I recommend it to my sons from my own experience in life, to prefer the happiness of independance and a private station to the troubles and vexation of publick business, but if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interest or ambition induce them to betray, nor the terrors of poverty and disgrace, or the fear of danger or of death, deter them from asserting the liberty of their



country and endeavoring to transmit to their posterity those sacred rights to which themselves were born.

I release and remit unto my brother Thomson Mason and his heirs forever, a certain debt of three hundred and ten pounds, four shillings and five pence  $\frac{3}{4}$  sterling and nine pounds twelve shillings and four pence currency, due to me on account of money advanced for him many years ago while he was in England, for which it was never my intention to make him answerable as will appear by an entry to that purpose in my own handwriting annexed to the account in my book. And whereas my said brother is indebted to me a further considerable sum on account of a protested bill of exchange drawn by him and of a bond I paid for him to Mrs. Bronaugh's Estate, I desire and direct my Executors not to bring any suit against him for the recovery of the said debt but to wait until he can conveniently pay the same.

I give and bequeath unto Mrs. Heath the wife of Thomas Heath of Stafford County, the sum of forty shillings sterling in first cost of goods a year, to be laid out in necessarys for her own particular use during her life, and if ever her son Mr. Richard Hewit my old schoolfellow and acquaintance from my childhood, should unfortunately be reduced to necessitous circumstances I desire and direct my Executors to supply him with. necessarys for his support and maintenance out of my Estate, and I particularly recommend this care to my children if it should be necessary after they come of age.

I give to Mr. John Moncure a mourning ring of three Guineas value which I desire him to wear in memory of my esteem for my much lamented friend his deceased father. I desire my old and long tryed friends the Rev. Mr. James Scott and Mr. John West junr. each of them to accept of a mourning ring of the same value. I leave to my friend and relation the Rev. Mr. Lee Massey a mourning ring of the same value, and I entreat the favour of him to advise and assist my Executors in the direction and management of my affairs. I am encouraged to request this of him from the experience I have had myself of his good offices that way, and I am satisfied that both he and my worthy friend Mr. Cockburn will excuse the trouble I now give them, when they reflect upon the necessity that dying men are under of thus employing the care and kindness of the living which must also one day be their own case, and as the most acceptable acknowledgement I can make them, I desire them to receive out of the common stock of my Estate, the sum of ten pounds a year to be laid out by them in private charities upon such as they shall judge worthy objects. I also give to my cousin Mrs. Cockburn a mourning ring of the same value, and desire her and my cousin Miss Bronaugh and Mr. Cockburn to accept of a suit of mourning each.

Lastly, I appoint my eldest son George Mason and my good friend Mr. Martin Cockburn, Executors of this my last Will and Testament and guardians to my children until they respectively come of age. And it is my Will and desire and I hereby direct and order that no securitys shall be required of them by the court but only their own bonds taken for the performance. In Witness whereof I have to this my said last Will and testament all in my own handwriting and contained in fifteen pages set my hand and affixed my seal this 20th day of March in the year of our Lord one Thousand seven hundred and seventy three.

GEORGE MASON.  
[SEAL.]

Signed and sealed and published and declared to be the last Will and Testament of Mr. George Mason in our presence and subscribed by us in his presence.

GUSTS. SCOTT,  
ELIZABETH BRONAUGH,  
ANN COCKBURN,  
JOHN WEST, junr.,  
ROBT. GRAHAM,  
JOHN DAVIDSON.

At a court contd. and held for Fairfax County 16th October 1792 this will was presented in court by George Mason one of the Executors therein named who made oath thereto and the same being proved by the oath of Ann Cockburn and Robert Graham is admitted to record and the said Executor having performed what the law requires in such cases a certificate is granted him for obtaining a probate thereof in due form.

Teste P. WAGENER, Cl. Cur.

## II.

### **George Mason's First Draft of the Virginia Declaration of Rights<sup>2</sup> *ca.* May 20-26, 1776.**

A Declaration of Rights, made by the Representatives of the good People of Virginia, assembled in full Convention; and recommended to Posterity as the Basis and Foundation of Government.

That all Men are born equally free and independant, and have certain inherent natural Rights, of which they can not by any Compact, deprive or divest their Posterity; among which are the Enjoyment of Life and Liberty, with the Means of acquiring and possessing Property, and pursueing and obtaining Happiness and Safety.

That Power is, by God and Nature, vested in, and consequently derived from the People; that Magistrates are their Trustees and Servants, and at all times amenable to them.

That Government is, or ought to be, instituted for the common Benefit and Security of the People, Nation, or Community. Of all the various Modes and Forms of Government, that is best, which is capable of producing the greatest Degree of Happiness

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<sup>2</sup> George Mason, *The Papers of George Mason, 1725-1792*, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), I: 276-282.



and Safety, and is most effectually secured against the Danger of mal-administration. And that whenever any Government shall be found inadequate, or contrary to these Purposes, a Majority of the Community has an indubitable, inalienable and indefeasible Right to reform, alter or abolish it, in such Manner as shall be judged most conducive to the Public Weal.

That no Man, or Set of Men are entitled to exclusive or separate Emoluments or Privileges from the Community, but in Consideration of public Services, which not being descendible, or hereditary, the Idea of Man born a Magistrate, a Legislator, or a Judge is unnatural and absurd.

That the legislative and executive Powers of the State should be separate and distinct from the judicative; and that the Members of the two first may be restrained from Oppression, by feeling and participating the Burthens they may lay upon the People; they should, at fixed Periods be reduced to private Station, and returned, by frequent, certain and regular Elections, into that Body from which they were taken.

That no part of a Man's Property can be taken from him, or applied to public uses, without the Consent of himself, or his legal Representatives, nor are the People bound by any Laws, but such as they have in like Manner assented to for their common Good.

That in all capital and criminal Prosecutions, a Man hath a right to demand the Cause and Nature of his Accusation, to be confronted with the Accusers or Witnesses, to call for Evidence in his favour, and to a speedy Tryal by a Jury of his Vicinage; without whose unanimous Consent, he can not be found guilty; nor can he be compelled to give Evidence against himself. And that no Man, except in times of actual Invasion or Insurrection, can be imprisoned upon Suspicion of Crimes against the State, unsupported by Legal Evidence.

That no free Government, or the Blessings of Liberty can be preserved to any People, but by a firm adherence to Justice, Moderation, Temperance, Frugality, and Virtue and by frequent Recurrence to fundamental Principles.

That as Religion, or the Duty which we owe to our divine and omnipotent Creator, and the Manner of discharging it, can be governed only by Reason and Conviction, not by Force or Violence; and therefore that all Men shou'd enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished and unrestrained by the Magistrate, unless, under Colour of Religion, any Man disturb the Peace, the Happiness, or Safety of Society, or of Individuals. And that it is the mutual Duty of all, to practice Christian Forbearance, Love and Charity towards Each other.

That in all controversies respecting Property, and in Suits between Man and Man, the ancient Tryal by Jury is preferable to any other, and ought to be held sacred.

## III.

**Marriage Agreement Between George Mason and Sarah Brent<sup>3</sup>**  
*ca. April 8, 1780.*

ARTICLES of Agreement indented made concluded and agreed upon this day of April Anno Domini one thousand seven hundred and eighty, between George Mason of Gunston-Hall in the Commonwealth of Virginia, Esquire of the one Part, and Sarah Brent of the Town of Dumfries in the Commonwealth aforesaid of the other Part.

WHEREAS a Marriage, by God's Permission, is shortly to be had & solemnized between the said George Mason and Sarah Brent, they the said Parties, in Consideration thereof, do mutually covenant, promise, and agree in Manner & Form following, Videlicet;

IMPRIMIS, that immediately upon the said intended Marriage taking Effect, the Possession and Use of all and every of the Slaves belonging to the said Sarah Brent shall be vested in the said George Mason, and be held by him during the Coverture; and in Case there is no Issue of the said Marriage, living at the Time of its Dissolution by the Death of either of the said Parties, then the said Slaves and their Increase shall return to the said Sarah Brent, and the absolute Property thereof be vested in her Heirs, or such Person or Persons as she shall devise the same to by her last Will & Testament.

ITEM, that in case the said Sarah Brent shall survive the said George Mason, and there shall be no Issue of the said Marriage living at the Time of his Death; in that Case the said Sarah Brent shall be put into Possession of 400 Acres of the said George Mason's Land in Dogues Neck in Virginia, and hold the same during her natural Life, in Lieu and in full Satisfaction of her Dower & legal Share of & in the said George Mason's Estate real & personal.

But, in case the said Sarah Brent shall survive the said George Mason, and there shall be Issue of the said Marriage living at the Time of his Death, then the above Agreement, and every Part thereof shall be utterly void to all Intents & Purposes as if the same had never been made; and in that case the said Slaves, and their Increase shall be considered as Part of the said George Mason's Estate, and the absolute Property thereof vested in him & his Heirs; and the said Sarah Brent shall be entitled, as his Widow, to her Dower & legal Share of and in the said George Mason's Estate both real & personal, any Thing herein contained to the contrary thereof notwithstanding.

IN WITNESS whereof the Said George Mason and Sarah Brent have here unto set their Hands & Seals the Day & Year above written.

G. Mason  
Sarah Brent

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<sup>3</sup> George Mason, *The Papers of George Mason, 1725-1792*, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), II: 620-622.

The term "videlicet" means specifically, expressly, or particularly, and the term "imprimis" means in the first place or first of all.

## IV.

**Fugitive Slave Advertisement<sup>4</sup>**  
**September 1786**

Ten Pounds Reward.

RAN away a few days ago from the Subscribers living in Fairfax County, Virginia, viz. *DICK* a very lusty well made Mulatto fellow, about 25 years of age, has bushy hair or wool, which he generally combs back, large teeth and eyes, a grum down look when spoken to, is a subtle artful fellow, well acquainted both with Virginia and Maryland, beats a drum pretty well, and formerly a waiting-man: He took with him a light lead coloured country cloth coat, with white metal buttons, a short green ditto, a white cloth waistcoat, a red ditto faced with black velvet, a round hat half worn, and common shoes and stockings. He ran away some time ago, when he worked on board a bay craft by the name of Thomas Webster.—*WATT* a stout Negro fellow, remarkably black, about 35 years of age, has lost some of his foreteeth, which in some measure affects his voice, has had cross paths lately shaved on his head, to conceal which he will probably shave or cut close the rest of his hair. He is an artful fellow, has a down look, and seems confused when examined: He took with him a brown cloth coat, a pair of black breeches, and a variety of clothes not known. They will perhaps change their names and pass for freemen: and it is probable they may have a forged pass.—They will probably make for the Eastern-Shore, or for the State of Delaware or Pennsylvania. The above reward, or five pounds, for either of them will be paid for delivering them to the subscribers, or for securing them in any gaol and giving us notice, so that we get them again, and if brought home all reasonable charges paid.

George Mason  
 George Mason, junr.

*N. B.* All Captains or Skippers of vessels and others are hereby forewarned, at their peril, from taking them on board, or employing them.

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<sup>4</sup> George Mason, *The Papers of George Mason, 1725-1792*, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), II: 855-856.

Rutland extracted this text from the "Va. Journal & Alexandria Advertiser," September 30, 1786.

## V.

**Objections to This Constitution of Government**  
*ca. September 12, 1787*<sup>5</sup>

There is no Declaration of Rights, and the laws of the general government being paramount to the laws and constitution of the several States, the Declaration of Rights in the separate States are no security. Nor are the people secured even in the enjoyment of the benefit of the common law [which stands here upon no other foundation than its having been adopted by the respective acts forming the constitutions of the several States].

In the House of Representatives there is not the substance but the shadow only of representation; which can never produce proper information in the legislature, or inspire confidence in the people; the laws will therefore be generally made by men little concerned in, and unacquainted with their effects and consequences. [This objection has been in some degree lessened by an amendment, often before refused and at last made by an erasure, after the engrossment upon parchment of the word *forty* and inserting *thirty*, in the third clause of the second section of the first article.]

The Senate have the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment, in conjunction with the president of the United States, although they are not the representatives of the people or amenable to them.

These with their other great powers, viz.: their power in the appointment of ambassadors and all public officers, in making treaties, and in trying all impeachments, their influence upon and connection with the supreme Executive from these causes, their duration of office, and their being a constant existing body, almost continually sitting, joined with their being one complete branch of the legislature, will destroy any balance in the government, and enable them to accomplish what usurpations they please upon the rights and liberties of the people.

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<sup>5</sup> Max Farrand, ed., The Records of the Federal Convention of 1787 rev. ed. in 4 vols. (New Haven and London: Yale University Press, 1966), II: 637-640.

The text set down in this appendix represents the original draft of Mason's list of objections to the Constitution that he wrote on the verso of a September 12, 1787, draft of the Constitution. Robert Rutland contends Mason likely recorded this original list of his concerns on September 16, 1787. See George Mason, The Papers of George Mason, 1725-1792, ed. Robert A. Rutland, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), III: 993.

Mason sent variant versions of his "objections" to several persons prior to its publication in pamphlet form. The bracketed words in this text correspond to alterations made in later printed pamphlet editions of Mason's objections. The original draft ended with the slave trade objections, while the later printed versions ended, instead, with the penultimate paragraph of the original draft. See Farrand, Records of the Federal Convention, II: 637.

The Judiciary of the United States is so constructed and extended, as to absorb and destroy the judiciaries of the several States; thereby rendering laws as tedious, intricate and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor.

The President of the United States has no Constitutional Council, a thing unknown in any safe and regular government. He will therefore be unsupported by proper information and advice, and will generally be directed by minions and favorites; or he will become a tool to the Senate — or a Council of State will grow out of the principal officers of the great departments; the worst and most dangerous of all ingredients for such a Council in a free country; [for they may be induced to join in any dangerous or oppressive measures, to shelter themselves, and prevent an inquiry into their own misconduct in office. Whereas, had a constitutional council been formed (as was proposed) of six members, viz.: two from the Eastern, two from the Middle, and two from the Southern States, to be appointed by vote of the States in the House of Representatives, with the same duration and rotation of office as the Senate, the executive would always have had safe and proper information and advice; the president of such a council might have acted as Vice-President of the United States *pro tempore*, upon any vacancy or disability of the chief magistrate; and long continued sessions of the Senate, would in a great measure have been prevented.] From this fatal defect has arisen the improper power of the Senate in the appointment of public officers, and the alarming dependence and connection between that branch of the legislature and the supreme Executive.

Hence also sprung that unnecessary [and dangerous] officer the Vice-President, who for want of other employment is made president of the Senate, thereby dangerously blending the executive and legislative powers, besides always giving to some one of the States an unnecessary and unjust preeminence over the others.

The President of the United States has the unrestrained power of granting pardons for treason, which may be sometimes exercised to screen from punishment those whom he had secretly instigated to commit the crime, and thereby prevent a discovery of his own guilt.

By declaring all treaties supreme laws of the land, the Executive and the Senate have, in many cases, an exclusive power of legislation; which might have been avoided by proper distinctions with respect to treaties, and requiring the assent of the House of Representatives, where it could be done with safety.

By requiring only a majority to make all commercial and navigation laws, the five Southern States, whose produce and circumstances are totally different from that of the eight Northern and Eastern States, may [will] be ruined, for such rigid and premature regulations may be made as will enable the merchants of the Northern and Eastern States not only to demand an exorbitant freight, but to monopolize the purchase of the commodities at their own price, for many years, to the great injury of the landed interest, and [the] impoverishment of the people; and the danger is the greater as the gain on one side will be in proportion to the loss on the other. Whereas requiring two-thirds of the members present in both Houses would have produced mutual moderation, promoted the general interest, and removed an insuperable objection to the adoption of this [the] government.

Under their own construction of the general clause, at the end of the enumerated powers, the Congress may grant monopolies in trade and commerce, constitute new crimes, inflict unusual and severe punishments, and extend their powers [power] as far as they shall think proper; so that the State legislatures have no security for the powers now presumed to remain to them, or the people for their rights.

There is no declaration of any kind for preserving the liberty of the press, or the trial by jury in civil causes [cases]; nor against the danger of standing armies in time of peace.

The State legislatures are restrained from laying export duties on their own produce.

Both the general legislature and the State legislature are expressly prohibited making *ex post facto* laws; though there never was nor can be a legislature but must and will make such laws, when necessity and the public safety require them; which will hereafter be a breach of all the constitutions in the Union, and afford precedents for other innovations.

This government will set out [commence] a moderate aristocracy: it is at present impossible to foresee whether it will, in its operation, produce a monarchy, or a corrupt, tyrannical [oppressive] aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other.

The general legislature is restrained from prohibiting the further importation of slaves for twenty odd years; though such importations render the United States weaker, more vulnerable, and less capable of defence.

## VI.

### **Selected Portions of John Mason's Recollections of the Gunston Hall Plantation.<sup>6</sup>**

Gunston Hall [was located] about four miles from the great public road from North to South, by which all communication in those days from North to South, or one end of the Union to the other, was held; for there was no western country in those days, and no steamboats. At that time all the best families of the State were located on the tide-waters of the rivers. Great hospitality reigned everywhere, and besides the social and friendly intercourse of the immediate neighborhood, the habit was for families who were connected or on friendly terms to visit each other and spend several days or weeks at the respective mansions, in a circuit of fifty or a hundred miles. And, moreover, it was the habit for travellers of distinction to call and pass a night or several days at the houses of the Virginia gentlemen near the public roads. And during the Revolutionary war particularly, the officers of the different army corps passing from North to South, knowing how welcome they would always be, very often took up their quarters at these houses for a night at least and sometimes for some days. From my earliest days I saw all

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<sup>6</sup> Kate Mason Rowland, *The Life of George Mason, 1725-1792*, 2 vols. (New York and London: G.P. Putnam's Sons, 1892), I: 94-102.

these visitors at my father's house. His neighborhood was an excellent one in those times, and he was, as I can affirm with truth, greatly beloved and admired by it.

Our nearest neighbor was Mr. Cockburn, living within one mile. He was an English gentleman from Jamaica, who had settled here to enjoy life, and had married a Miss Bronaugh, a relation of my father's (before my memory). He was an excellent man, of some singular traits too. And his wife, with fine talents, was one of the best women and the most notable housekeeper in the world. They made a part of our family, and the children of our family—they had no children—made a part of theirs by the most intimate and constant intercourse. The household establishment at my father's was conducted with great regularity and system, and I believe though large and expensive, [here the pencilled manuscript is illegible,] of my revered parents while my mother lived. After her death, my sisters being young and housekeepers employed, the interior [establishment] I presume was not conducted with so much regularity. My father being an active politician and decided in his opposition to the measures of the mother country, his house was frequented by the leading men of the State. Among the first things I can remember were discussions and conversations upon the high-handed, tyrannical conduct of the king towards his colonial subjects in this country; for in those days the government was designated by the name of the king in all conversations. And so universal was the idea that it was treason and death to speak ill of the king that I even now remember a scene in the garden at Springfield [the Cockburn place] when my father's family were spending the day there on a certain Sunday when I must have been very small. Several of the children having collected in the garden, after hearing in the house among our elders many complaints and distressing forebodings as to this oppressive course towards our country, we were talking the matter over in our own way and I *curst the king*, but immediately begged and obtained the promise of the others not to tell on me.

There being but few public schools in the country in those days, my father, as was the case with most of the gentlemen of landed estates in Virginia, kept a private tutor for the education of his family. And the Revolutionary war occurring, and all of the tide-water country of that State being invaded, harassed, and plundered from time to time by the enemy, while most of the children of this family were yet under age, it made it very difficult to arrange for their education. I believe none of them were sent from home for that purpose but myself and my brother Thomas, who, being the youngest sons, were approaching to manhood about the conclusion of that war. We were both sent about that time to an academy in Stafford County, Virginia, kept by the Rev. Mr. Buchan, a Scotchman by birth, then the rector of two adjoining parishes in Stafford, one of which was in the lower part of the county on Potomac Creek [Potomac church] and the other in the upper part of the county on Aquia Creek [Aquia church], at which he preached on alternate Sundays. He enjoyed in the right of his curacy and lived on the glebe of the lower parish. There the academy was kept. He was a pious man and a profound classical scholar. We remained with him about two years. I was then sent to a Mr. Hunter, a Scotchman also, and quite a recluse, who kept a small school in a retired place in Calvert County, Maryland. I was sent there to study mathematics, in which Mr. Hunter was well versed. I remained something less than a year at this school. Thomas was about the same time removed to an academy in Fredericksburg, Virginia, where remained about two years. The private tutors in my father's family, as far back as I can remember, were first a Mr. McPherson, of Maryland, next a Mr. Davidson, and then a Mr. Constable, of



Scotland. Both of the two last were especially engaged in that country to come to America (as was the practice in those times with families who had means) by my father to live in his house and educate the children. I remember that I was so small when the first of these three gentlemen took charge of the school that I was permitted to be rather an occasional visitor than a regular attendant. The tutoress of my sisters was a Mrs. Newman. She remained in the family for some time.

Gunston Hall is situated on a height on the right side of the Potomac river within a short walk of the shores, and commanding a full view of it, about five miles above the mouth of that branch of it on the same side called Occoquan. When I can first remember it, it was a state of high improvement and carefully kept. The south front looked to the river; from an elevated little portico on this front you descended directly into an extensive garden, touching the house on one side and reduced from the natural irregularity of the hill top to a perfect level platform, the southern extremity of which was bounded by a spacious walk running eastwardly and westwardly, from which there was by the natural and sudden declivity of the hill a rapid descent to the plain considerably below it. On this plain adjoining the margin of the hill, opposite to and in full view from the garden, was a deer park, studded with trees, kept well fenced and stocked with native deer domesticated. On the north front by which was the principal approach, was an extensive lawn kept closely pastured, through the midst of which led a spacious avenue, girded by long double ranges of that hardy and stately cheery tree, the common black heart, raised from the stone, and so the more fair and uniform in their growth, commencing at about two hundred feet from the house and extending thence for about twelve hundred feet; the carriage way being in the centre and the footways on either side, between the two rows, forming each double range of trees, and under their shade.

But what was remarkable and most imposing in this avenue was that the four rows of trees being to be so alligned as to counteract that deception in our vision which, in looking down long parallel lines makes them seem to approach as they recede; advantage was taken of the circumstance and another very pleasant delusion was effected. A common centre was established exactly in the middle of the outer doorway of the mansion, on that front, from which were made to diverge at a certain angle the four lines on which these trees were planted, the plantation not commencing but at a considerable distance therefrom (about two hundred feet as before mentioned) and so carefully and accurately had they been planted, and trained and dressed in accordance each with the others, as they progressed in their growth, that from the point described as taken for the common centre, and when they had got a great size, only the first four trees were visible. More than once have I known my father, under whose special care this singular and beautiful display of trees had been arranged and preserved, and who set great value on them, amuse his friends by inviting some gentleman or lady (who visiting Gunston for the first time, may have happened to arrive after night, or may have come by the way of the river and entered by the other front, and so not have seen the avenue) to the north front to see the grounds, and then by placing them exactly in the middle of the doorway and asking 'how many trees do you see before you?' 'four' would necessarily be the answer because the fact was that those at the end of the four rows next [to] the house completely, and especially when in full leaf, concealed from that view, body and top, all the others, though more than fifty in each row. Then came the request, 'Be good enough to place yourself now close to either side of the doorway, and then tell us how

many you see?' The answer would now be with delight and surprise, but as necessarily, 'A great number, and to a vast extent, but how many it is impossible to say!' And in truth to the eye placed at only about two feet to the right or left of the first position, there were presented, as if by magic, four long, and apparently close walls of wood made up of the bodies of the trees, and above, as many rich foliage constituted by their boughs stretching, as seemed to an immeasurable distance.

To the west of the main building were first the school-house, and then at a little distance, masked by a row of large English walnut trees, were the stables. To the east was a high paled yard, adjoining the house, into which opened an outer door from the private front, within, or connected with which yard, were the kitchen, well, poultry houses, and other domestic arrangements; and beyond it on the same side, were the corn house and granary, servant houses (in those days called negro quarters) hay yard and cattle pens, all of which were masked by rows of large cherry and mulberry trees. And adjoining the enclosed grounds on which stood the mansion and all these appendages on the eastern side was an extensive pasture for stock of all kinds running down to the river, through which led the road to the Landing, emphatically so called, where all persons or things water borne, were landed or taken off, and where were kept the boats pettiangers and canoes of which there were always several for business transportation, fishing and hunting belonging to the establishment. Farther north and on the same side was an extensive orchard of fine fruit trees of a variety of kinds. Beyond this was a small and highly fenced pasture devoted to a single brood horse. The occupant in my early days was named Vulcan, of the best stock in the country and a direct descendant of the celebrated Old James [more likely "Old Janus"]. The west side of the lawn or enclosed grounds was skirted by a wood, just far enough within which to be out of sight, was a little village called Log-Town, so-called because most of the houses were built of hewn pine logs. Here lived several families of the slaves serving about the mansion house; among them were my father's body-servant James, a mulatto man and his family, and those of several negro carpenters.

The heights on which the mansion house stood extended in an east and west direction across an isthmus and were at the northern extremity of the estate to which it belonged. This contained something more than five thousand acres, and was called Dogue's Neck (I believe after the tribe of Indians which had inhabited this and the neighboring country), water-locked by the Potomac on the south, the Occoquan on the west, and Pohick Creek (a bold and navigable branch of the Potomac) on the east, and again by Holt's Creek, a branch of the Occoquan, that stretches for some distance across from that river in an easterly direction. The isthmus on the northern boundary is narrow and the whole estate was kept completely enclosed by a fence on that side of about one mile in length running from the head of Holt's to the margin of Pohick Creek. This fence was maintained with great care and in good repair in my father's time, in order to secure to his own stock the exclusive range within it, and made of uncommon height, to keep in the native deer which had been preserved there in abundance from the first settlement of the country and indeed are yet there [1832] in considerable numbers.

The land south of the heights and comprising more than nine tenths of the estate was an uniform level elevated some twenty feet above the surface of the river, with the exception of one extensive marsh and three or four water courses, which were accompanied by ravines and undulations of minor character—and about two thirds of it

were yet clothed with the primitive wood; the whole of this level tract was embraced in one view from the mansion house. In different parts . . . and detached from each other, my father worked four plantations with his own slaves, each under an overseer; and containing four or five hundred acres of open land. The crops were principally Indian corn and tobacco; the corn for the support of the plantations and the home house, and the tobacco for sale. There was but little small grain made in that part of the country in those days. He had also another plantation worked in the same manner, on an estate he had in Charles County, Maryland, on the Potomac about twenty miles lower down, at a place called Stump Creek.

It was very much the practise with gentlemen of landed and slave estates in the interior of Virginia, so to organize them as to have considerable resources within themselves; to employ and pay but few tradesmen and to buy little or none of the course stuffs and materials used by them, and this practise became stronger and more general during the long period of the Revolutionary War which in great measure cut off the means of supply from elsewhere. Thus my father had among his slaves carpenters, coopers, sawyers, blacksmiths, tanners, curriers, shoemakers, spinners, weavers and knitters, and even a distiller. His woods furnished timber and plank for the carpenters and coopers, and charcoal for the blacksmith; his cattle killed for his own consumption and for sale supplied skins for the tanners, curriers, and shoemakers, and his sheep gave wool and his fields produced cotton and flax for the weavers and spinners, and his orchards fruit for the distiller. His carpenters and sawyers built and kept in repair all the dwelling-houses, barns, stables, ploughs, harrows, gates &c., on the plantations and outhouses at the home house. His coopers made the hogsheads the tobacco was prized in and the tight casks to hold the cider and other liquors. The tanners and curriers with the proper vats &c., tanned and dressed the skins as well for upper as for lower leather to the full amount of the consumption of the estate, and the shoemakers made them into shoes for the negroes. A professed shoemaker was hired for three or four months in the year to come and make up the shoes for the white part of the family. The blacksmiths did all the iron work required by the establishment, as making and repairing ploughs, harrows, teeth chains, bolts &c., &c. The spinners, weavers and knitters made all the coarse cloths and stocking used by the negroes, and some of the finer texture worn by the white family, nearly all worn by the children of it. The distiller made every fall a good deal of apple, peach and persimmon brandy. The art of distilling from grain was not then among us, and but few public distillers. All these operations were carried on at the home house, and their results distributed as occasion required to the different plantations. Moreover all the beeves and hogs for consumption or sale were driven up and slaughtered there at the proper seasons, and whatever was to be preserved was salted and packed away for after distribution.

My father kept no steward or clerk about him. He kept his own books and superintended, with the assistance of a trusty slave or two, and occasionally of some of his sons, all the operations at or about the home house above described; except that during the Revolutionary War and when it was necessary to do a great deal in that way to clothe all his slaves, he had in his service a white man, a weaver of the finer stuffs, to weave himself and superintend the black weavers, and a white woman to superintend the negro spinning-women. To carry on these operations to the extent required, it will be seen that a considerable force was necessary, besides the house servants, who for such a

household, a large family and entertaining a great deal of company, must be numerous—and such a force was constantly kept there, independently of any of the plantations, and besides occasional drafts from them of labor for particular occasions. As I had during my youth constant intercourse with all these people, I remember them all and their several employments, as if it was yesterday.

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